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THE FRONTLINE OF THE U.S. WAR ON DRUGS: THE SOUTHWEST BORDER

HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

SPECIAL HEARING

DEPARTMENT OF JUSTICE
DEPARTMENT OF THE TREASURY

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THE FRONTLINE OF THE U.S. WAR ON DRUGS: THE SOUTHWEST BORDER

WEDNESDAY, JUNE 28, 1989

U.S. SENATE,
SUBCOMMITTEE ON TREASURY, POSTAL SERVICE,
AND GENERAL GOVERNMENT,
COMMITTEE ON APPROPRIATIONS,
Tucson, AZ.

The subcommittee met at 1:30 p.m., in the Pima County Board of Supervisors Hearing Room, Hon. Dennis DeConcini (chairman) presiding.

Present: Senator DeConcini.

[PANEL 1]

NONDEPARTMENTAL WITNESSES

OPENING REMARKS OF SENATOR DECONCINI

Senator DECONCINI. May I have your attention please. The Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government will come to order.

I want to first thank the Pima County Board of Supervisors for making available their hearing room today. I would also like to thank a member of my own staff, Tim Carlsgaard, and the subcommittee staff, Patty Lynch, and others who have helped put this hearing together.

I want to thank the distinguished witnesses who have agreed to testify at today's Senate Treasury Appropriations Subcommittee hearing. These dedicated individuals represent the enforcement, interdiction, and prosecution side of the war on drugs.

Two years ago in Phoenix, I chaired a similar hearing which provided the Senate with a detailed record of the escalating drug crisis on the Southwest border. Today's hearings will provide us the opportunity to examine our progress and failures over the past 2 years.

As I believe our witnesses will attest, the past 2 years along the Southwest border have resulted in the situation of one step forward and maybe two steps back. The 2,000-mile United States/Mexican border has become this Nation's No. 1 trafficking and distribution point for illegal drugs entering the United States. According to the State Department's 1989 International Narcotics Control Report, Mexico continues to be the No. 1 source of marijuana and heroin

entering the United States and the transshipment point for one-third of the cocaine coming into this country.

However, we cannot simply blame Mexico for the drug problem in Arizona and throughout the Southwest or in the United States in general. California is the largest domestic producer of marijuana. San Diego and Dallas are major production centers for speed and other drugs, such as methamphetamine.

This Nation's appetite for drugs continues to grow. Recent surveys on drug use by high school seniors in the four border States demonstrate a clear trend of higher drug use by graduating seniors when compared with the national survey of high school seniors conducted by the University of Michigan. In Arizona, cocaine use by high school seniors is twice the national average.

To successfully address the drug problem, we must improve coordination, and we must improve cooperation. Congress attempted to address this continuing problem by establishing the Office of National Drug Control Policy [ONDCP]. ONDCP Director William Bennett is currently formulating a National Drug Control Strategy. However, Director Bennett cannot solve these problems alone. He needs the help of each and every individual and agency that is involved in this country's war on drugs. Whether it's enforcement, interdiction, or treatment—turf battles and jealousies must be set aside. After all, we're in this war together, and the only ones who benefit from infighting and turf battles are drug traffickers and the cartels that seem to be winning the war in many areas.

The most critical need facing this Nation's antidrug effort, in my judgment, is a lack of funding. The Antidrug Abuse Act of 1988 was a comprehensive approach to the drug problem that also carried a price tag of $2.7 billion. Former President Reagan and the Congress talked tough, but when it came time to putting up the money, we dropped the ball. Less than one-half of the funding authorized in last year's drug bill has been provided. The Senate recently passed an emergency supplemental appropriations bill at the request of President Bush. The President included no antidrug funding in this legislation. It's hard to believe; what could be more of an emergency than the war on drugs? A recent national poll demonstrated that Americans believe that the use of illegal drugs is a crisis and was the No. 1 problem facing this country, with the deficit coming in second.

I authorized and supported more than five drug-related amendments on the floor of the Senate and in the Senate Appropriations Committee. All of them were defeated. Among the options we considered for financing the drug program were a tax on cigarettes and alcohol and a transfer of unspent defense funds. However, we never got more than one-third of our colleagues to support these efforts.

President Bush has now sponsored a $1.2 billion anticrime package. Some questions need to be asked of the President. For example, is this $1.2 billion on top of what is unfunded from the 1988 drug bill, or is this in place of what remains to be funded? I support the President's provisions for stiffer penalties and tougher guidelines on assault weapons. But the President forgot to include one thing in his funding package, and that is dollars. How are we going to fund his crime package? He has told the American people

that the money already exists to fund his proposal. What the President fails to mention is that ongoing programs like education and clean air funding will have to be cut if we were to fund it by cutting discretionary programs. And I don't think we're going to do that. As President Bush has indicated, he's an education President and an environmental President and I want him to be that. I understand that people read his lips and that we don't want to raise taxes, but the fact of the matter is that we have got to fund the drug bill if we're going to have any success in our efforts to control the use of illicit drugs.

It's easy to talk tough about the drug epidemic sweeping this country. However, rhetoric and results are two different things. The American people believe there is no problem more important than the control of illegal drugs. The time is now for President Bush and the Congress to prove to the American public that we are committed to addressing the drug problem.

Today our purpose is to listen to the witnesses here and to compile evidence that will help us convince others in Washington to continue efforts to place the drug control emphasis on the Southwest border, not just Arizona.

Our witnesses today are Mr. Rex Holgerson, executive director, Arizona Criminal Justice Commission; Mr. Peter Ronstadt, Tucson police chief; Mr. Clarence Dupnik, Pima County sheriff; Maj. Ralph Odgen, Yuma County sheriff; and Allan Polley, Cochise County attorney.

We'll start with you, Mr. Holgerson, if you would summarize your statement. Any full statements you have will be included in the record as if read. If you would please limit your comments to about 5 minutes to save time so we can get to all of the witnesses here this afternoon.

Arizona Criminal Justice Commission

STATEMENT OF REX HOLGERSON, EXECUTIVE DIRECTOR

Mr. Holgerson. Thank you, Senator DeConcini. It's a pleasure and we appreciate the opportunity to be here. The Arizona Criminal Justice Commission is the State agency in Arizona responsible for the Drug Control and System Improvement Formula Grant Program in Arizona. It's also the designated State statute as the agency responsible for the Enhanced and Specialty Funded Drug Enforcement Program in Arizona. In addition, the commission is charged with specific research tasks such as the drug use survey.

Now the commission is a 19-member body of various law enforcement officials in the State. In fact two of these commissioners are on this panel here today.

The commission conceived, 3 years ago, a statewide antidrug strategy and this has been utilized in the distribution of both Federal grant funds for drug enforcement in Arizona and of State-appropriated funds.

Since the program was started, $15 million has been allocated in five different program areas in Arizona, $6 million to apprehension projects which include 16 interagency task forces covering 14 counties in the State; $4 million to 12 drug prosecution projects cover-

ing 10 counties in the State, and lesser amounts to drug detention and forensic projects.

I might mention that in this 21-month period that these allocations were made, 85 percent of the $15 million went to county and local governments in the State.

Very briefly, these task forces, over this 15-month period in Arizona, have arrested a total of 3,105 drug violators, seized 4,087 pounds of cocaine, 44,000 pounds of marijuana, and at this point a total of $14.5 million in violator assets. Now, the asset seizure figures are important, because in the strategy conceived by the commission, one of the facets of this strategy was to eventually move toward self-sufficiency. In a number of these programs we all know that there's a long distance between the time assets are seized and the time assets are turned over to State and local governments.

The Federal grant moneys are absolutely critical to Arizona. Without them our fledgling attempts to enhance programs in a lot of these areas would just be severely curtailed. A sustained effort is absolutely essential.

We all know that the State needs assistance in responding to the drug calamity. But I point this out to give you an understanding and appreciation for the amount of money that comes into the State from these Federal programs—and this just reiterates what you had previously said.

Senator, last year in Arizona, over $1.75 million came into the State in Federal grants for these enforcement projects. At the same time, $8 million in Federal grants came in for treatment and $3 million for education from the State. Now, what has happened over the last couple of years, in reality, is that the amount of enforcement grants have started to slide while these other grants for treatment and education, which we don't argue with, have grown by leaps and bounds.

One of the concerns that's been voiced a few times is that the grant funds are not expended immediately when they're received. They are allocated and committed in this State when they are received and they are allocated and committed forthwith, then it takes over the period of the grant to actually spend the money.

PREPARED STATEMENT

In summary, the commission strongly urges that Federal support for State enforcement efforts be maintained and increased. The President's funding proposal should be used as a point of departure in moving to a more adequate funding level, at least equivalent to the level in the initial year and preferably at the fully authorized level.

[The statement follows:]

STATEMENT OF REX HOLGERSON AND DR. PETER HAYNES

The opportunity to appear before you and present information from the Arizona Criminal Justice Commission is very much appreciated. The Commission is the state agency responsible for the Drug Control and System Improvement Formula Grant program in Arizona. The Commission is also designated by State statute as the agency responsible for the enhanced and specialty funded drug enforcement effort in the State. In addition, the Commission is charged with specific research tasks such as the survey of drug use and availability in Arizona.

The Commission is a 19 member body responsible for a variety of systemwide responses to the crime problems in Arizona. The 19 members include certain state agency heads, some county attorneys and sheriffs, some police chiefs, and other designated officials. The current Commission Chairman is Maricopa County Attorney, Richard Romley, and the Vice-Chairman is William McDonald, Administrative Director of the Arizona Courts.

The statewide anti-drug strategy conceived and utilized by the Commission has the benefit of a strong legal framework. The anti-drug abuse enforcement effort supported by the Commission is statewide in breadth and multidimensional in scope. The highest priority problem areas identified in the strategy are the border area and the two major urban areas.

Since the enhanced drug enforcement program was initiated in Arizona, the Commission has allocated a total of $15.1 million for projects covering a 21 month time period. These funds are obtained from two sources: $4.6 million in three federal fiscal years for state and local assistance and $10.7million from state appropriations and drug fine collections for two fiscal years.

The $15.1 million has been allocated over the 21 months in five program areas: $6.2 million to apprehension projects which include 16 interagency task forces covering 14 counties in the state; $4 million to 12 drug prosecution projects covering 10 counties in the state; $3 million to 18 adjudication projects covering 13 counties; $960,000 to 4 drug violator detention projects; and $878,000 to 4 forensics projects. Most allotments were made in a balanced apprehension, prosecution and adjudication plan for a most potentially effective impact. Allocations going to county and local agencies constitute 85 of the $15.1 million.

In the 15 months since these projects were initiated in March, 1988, the productivity has been steadily increasing and is recording some impressive numbers. The task forces have arrested a total of 3105 drug violators; seized a total of 4087 pounds of cocaine and 44,750 pounds of marijuana; and seized a total of $14,612,000 in drug violator assets. The asset seizure figures are significant because a principal facet of the strategy development was to move toward self sufficiency utilizing funds obtained from the violators through fines and seizures. As you know, asset forfeiture is some distance from asset seizure and self sufficiency is not a near reality.

The federal drug control and system improvement state and local assistance monies are critical to Arizona. Without them the fledgling, but very productive and growing, statewide enhanced effort would be severely curtailed. A sustained effort is absolutely essential to have a lasting impact on the drug trafficking and drug abuse problems.

It is a fact that the federal government has enforcement responsibility for the U.S. border, but Arizona and its counties and cities confront many issues as a result of the drug smuggling and other border infiltration. Border states expend much effort in support of national needs. A particularly important and productive development in a couple of Arizona border counties has been the highly cooperative interagency drug enforcement effort. The state and local assistance funds have made possible an enhanced county and local effort in the Border Alliance Group in Cochise County and the Southwest Border Alliance Unit in Yuma County. In both of these task forces, local, county, state and federal officers are working together in a highly organized, highly productive effort. These appear to be optimum arrangements.

All the states need assistance in responding to the national drug calamity and this is clearly recognized for treatment and education assistance. The support in the enforcement area has proven more difficult, in part, because of the competition for resources with federal enforcement agencies. We do appreciate the monies received to date but enforcement assistance funds have decreased while other elements, such as treatment and education, have increased substantially. Last year in Arizona the state and local assistance awards for drug efforts were approximately: $8 million for Treatment, $3 million for Education, and $1.75 million for Enforcement (both supply and demand reduction). Clearly, the assistance amount provided for enforcement efforts must be increased if this program is to have a substantial impact. At this stage, enforcement funding falls far short of the funding level provided in the first year of the program.

It is also appropriate to point out that enforcement funding is subject to many more constraints than funding in the other areas. Although there is merit to these additional requirements, they have complicated the state's tasks considerably. For instance, there is now a dollar for dollar match requirement on enforcement assistance funding only. This is a significant change from the previous $1 match for each 3 federal dollars. This is an onerous requirement and it is likely that enforcement programs in Arizona will be unable to produce such funds. Receipt of enforcement

funds is also dependent on an elaborate planning process which involves extensive consultation, public hearings, development of a comprehensive formal strategy, and a period for legislative, public and Department of Justice review. Responsible distribution of funds, once received, requires an application process, review and allocation decisions. All these requirements make eminent sense but they are not required to the same extent in the prevention and treatment areas supported under the program.

We have also heard that there is concern that grant funds are not expended immediately. We must keep the difference between committed and expended funds in mind. In Arizona the funds are allocated and committed in a very timely manner when the funds become available. The funds are expended over the period of time allocated for the grant.

In summary, the Commission strongly urges that federal support for State enforcement efforts be maintained and increased. The President's funding proposal should be used as a point of departure in moving to a more adequate funding level, at least equivalent to the level in the initial year and preferably at the full authorized level.

TUCSON POLICE DEPARTMENT

STATEMENT OF PETER RONSTADT, POLICE CHIEF

Senator DECONCINI. Thank you very much. Chief Peter Ronstadt will be next.

Mr. RONSTADT. I would also like to thank you for giving us an opportunity to provide some information to you. I was asked to provide perhaps a Tucson-area law enforcement prospective with regard to how the drug situation or the narcotic situation is affecting people who live here. And basically I have three category areas.

The first of these has to do with the effect of narcotics trafficking on crime rates in the Tucson area. One of the things that comes as no surprise is that the interdictions that were made by law enforcement predictions over the last year are certainly coming true. Crime rates in Tucson are changing significantly as a direct result of increased narcotics trafficking. It's logical, given the fact that Tucson sits right square with the Panamerican highway, and with the east/west interstate. We've basically got an unpopulated, undefended border area. And as we all knew, some of interdiction and enforcement efforts that took place in the Southeastern United States have shifted traffic to this area.

It's only logical then that as a followup to recognize that the increasing tendency of the people involved in international drug trafficking to engage in violence is also going to have an impact on local area crime rates. As an illustration, I point out to you that 13 of the 42 homicides that occurred in Tucson so far this year, this fiscal year, have been identified as executions or assassinations directly related to the narcotics trade.

There are some significant common factors associated with these execution-homicides. First of all, all the people who were involved were engaged in narcotics trafficking, specifically marijuana. Second, that marijuana appeared to be of Mexican origin. Third, the victims and suspects are primarily Mexican nationals as opposed to local citizens. And fourth—and the thing that I think is of great alarm to residents here—the homicides are extremely violent in nature. Many of them involved torture and mutilation prior to death.

And I would want to emphasize that this type of violence is certainly not the exclusive province of marijuana dealers from Mexico. What I think it underscores is the point that what is happening to a great extent immediately on the other side of the line in the States of Sonora and Sinaloa with regard to intergang rivalry is that you will see the violence that is occurring. It is also becoming very much our problem and even more important, it requires resources to respond to it that are beyond the capability of a local community to deal with.

I think that some of the cooperative efforts between the United States and the Republic of Mexico that have been undertaken need to be continued and expanded. I agree with you that simply blaming the situation on the Mexican Government is counterproductive at best and can be destructive in the long run to the mutual interests of the people on both sides of the border.

I think that the Federal Government can do significantly more to improve conditions by making more efforts to prevent entry into this country except at designated, authorized border crossings. This can and should be done by increased use of the military on the ground and in the air. I think another significant effect of narcotics trafficking has to be with poverty-related crime. One illustration is the fact that 62 percent of the unrecovered vehicles stolen from the Tucson area this year have been, or are estimated to have been taken to Mexico. Information that we have shows that these vehicles are being traded for drugs, sold for cash to buy drugs or used to transport drugs. And that's only one example of some poverty-related crime increases that we've seen here.

There has been a large increase in the kidnappings that are directly related to drug trafficking and transportation in the Tucson area and aggravated assaults, especially shootings, although we have been relatively fortunate compared to other parts of the country. It's inevitable that as this situation continues that innocent people totally unrelated to the drug trafficking are going to wind up being carcasses.

The second category is the cost of drug enforcement efforts, or the cost of local jurisdiction efforts on narcotics. Enforcement obviously has increased drastically over the past few years. Some of the increases are due to enhanced efforts being made by local law enforcement with the assistance of funding by the Federal Government. This has resulted in more resources being allocated. It certainly has resulted in more arrests. Much of the rising cost is due to increasing complexity. The investigator needs to use more sophisticated technology and personnel in order to reduce safety risks to each and every community.

Most important of all, the great increase depends on forensic units. Because of the way our criminal justice system works, what happens is that we need more funding for prosecution, courts, and corrections. We wind up shouldering a very disproportionate part of the burden of a problem that is national and international in scope every time we're involved in a case where we take narcotics that were destined for someplace other than Tucson.

Local jurisdiction urgently needs increased Federal assistance in providing training, technology, and the expansion of Federal prosecution to increase our corrections capabilities.

The third area that I'd like to speak briefly about has to do with the effects of Federal programs thus far. First of all I'd like to say that I believe that many of the programs that are being operated at the Federal level are very effective. There is no doubt in my mind that efforts by the DEA, for example, and by other involved agencies have a significant effect at the international level. I believe that the strategies now in place can be effective, are effective, and need to be continued.

My agency and others were fortunate in that we enjoy an excellent working relationship with Federal agencies involved in narcotics enforcement and some of the related crimes, like conspiracy investigations.

More specifically, I believe that multiagency programs such as our Mantes that you might have heard about, the task forces which are State, local, and Federal in nature, I believe that these are effective. I'm encouraged by the success of these programs and again I'd like to urge that consideration be given to increasing Federal support for them. I also urge that favorable consideration be given to maintaining the current Federal policy of local jurisdiction participation in drug enforcement.

While the Tucson area is fortunate to have been a recipient of approximately $1 million in seized assets as a result of this type of operation, I believe much can be done to improve this program by streamlining the Federal bureaucratic process. There are millions more dollars in seized assets which are now currently tied up in the bureaucratic process and which are urgently needed at the State and local level to help offset the costs.

I'm optimistic that those in the Tucson area that are the result of Federal funding or programs in which the Federal Government shares funding, from a variety of sources, with State and local resources are situations where it's possible for police and others in the community to forge effective work partnerships to work on the daily planning side of the problem. Innovative and promising cooperative efforts involving schools and parents are being started. In my opinion, there are signs that the attitudes of young people who are drug users are beginning to change for the better.

In short, I believe that we're on the right track. I think we have to remember that as it has already been stated, we're just at the beginning of an effort which has to be maintained at a very high level of intensity for the next several years. Short term "quick-fix" funding solutions are just not going to be effective. Until it's recognized at all levels of government, we have to stay in it for a long haul or I don't think we'll be able to achieve success. I thank you for your attention.

Senator DECONCINI. Thank you very much, Chief Ronstadt.

Sheriff Dupnik.

PIMA COUNTY SHERIFF'S OFFICE

STATEMENT OF CLARENCE DUPNIK, SHERIFF

Mr. DUPNIK. Thank you, sir. I appreciate, as do the other panelists and local law enforcement officials, the opportunity to tell the Congress of the United States about the problems that we're facing

in our particular area of the country, especially along the Mexican border.

Also, I would like to commend you for the continued leadership that I feel you provide not only on behalf of Arizona or the city of Tucson, but on behalf of our entire country, in the war on international drug trafficking. I think if it weren't for the efforts that you've put forth over the past years and the leadership that you've shown, we wouldn't have the kind of programs we have now, and we would not have a lot of the tools and a lot of the resources that we have to conduct the war, as meager as it might be, along the border. I congratulate you and thank you.

I think that Chief Ronstadt illustrates the problem that exists in this valley quite well. Literally, we are inundated in law enforcement by the problem, inundated to the point of being overwhelmed.

Eight years ago there was very little cocaine coming across the Mexican border, almost none. And today estimates vary from one-third to one-half of not only the cocaine but all of the narcotics coming into the United States are coming across the Mexican border. And more and more, unfortunately, are being funneled into this area. I think that Congress ought to look at the Mexican border as a special problem not only at the Federal level, which they have in the form of Operation Alliance, but also at the local and State levels.

You may recall we discussed this a few years ago and we've talked about it in previous hearings. Through your efforts, you were able to not only get included in the 1988 Antidrug Abuse Act provisions for the drug czar to oversee and coordinate all the efforts of the country, but you were able to provide some specific provisions that would enable him to address unusual or peculiar or specific problems. And I would, with whatever emphasis I can muster, urge the Congress—and I know that you've already called a meeting of all the Senators in the four border States and sent a letter to Mr. Bennett—but if there's some way that we can get his attention today or in the future to declare the four border States a high-intensity drug area this would be a great help. Our people are surely understaffed, we are underfunded, our resources are very meager and our people, as I just said, are literally overwhelmed by the problem. There is much more that can and must be done.

The problem continues to be, in my judgment, with Mexico. I speak not for Operation Alliance because there are representatives here to speak in their own behalf. I think Operation Alliance has done an incredible job, given the conditions that confront us. What I'm talking about specifically is the fact that when Operation Alliance was conceived, it was conceived as an alliance between the United States and Mexico to work jointly on trying to stem the flow of narcotics across the border. And unfortunately over the last 3 years, I believe this July, unfortunately it has evolved into a very one-sided operation.

However, I would commend Mexican and law enforcement officials at local levels. In some situations we do get cooperation in those instances where we've been able to develop personal relationships and so forth, but when it comes to a matter of national policy, in my opinion the Mexican Government has literally shut

the door in our face and continues to leave that door shut in spite of some of the rhetoric that occurs.

I would agree with Chief Ronstadt that perhaps Mexico-bashing in some instances can be counterproductive. On the other hand, I think we need to look at the situation as it really is and confront the problem that exists.

For example, just to illustrate the problem, a few months ago a situation developed where a local Federal agency tracked an airplane all the way from Colombia to a ranch about 3 miles south of the border in an area up by the Sells Indian Reservation; watched the planeload of cocaine being offloaded into a couple of pickup trucks. They contacted the Federal comandante in San Luis, and got his cooperation in arranging for a strike force with a couple of helicopters and some of our people and some of their own people to provide support for the Mexicans in making the seizure and making the arrest. We were all set to do that when the Mexican Comandante said, "I'm sorry, Mexico City has told me that we have to end this," while we watched two truckloads of cocaine 3 miles south of the border being offloaded. That's a common occurrence, unfortunately. And without the cooperation of Mexico in that kind of a situation, it makes it not only very difficult but it makes it frustrating for those of us who are trying to do something about the problem.

Senator DECONCINI. About how long ago did that take place?

Mr. DUPNIK. I'm going to guess that it was between 6 and 8 months ago. And the Federal agency involved was U.S. Customs. Operation Alliance made a recommendation to the President at their November meeting in San Diego to establish a high-level committee or structure of some kind that would be created on the part of Mexico and on the part of our President, that would report directly to both Presidents. It would study the issues involved on both sides of the border and make recommendations on how we could facilitate greater mutual cooperation.

Now, I commend the Mexicans for what they are doing. Internally, it would appear that they're taking the more aggressive stands, but when it comes to the international issues, if there's something going on I'm not aware of it. So whatever you can do in your position to open the doors to Mexico, it would greatly be appreciated on my part and I'm sure on the part of all of law enforcement along the border.

One of the other issues that I'd like to touch on briefly is this issue of weapons. I know that a lot of people probably came in the room today and were shocked by what they saw here. Unfortunately, law enforcement people involved in this fight on drugs are confronted by weapons of this type on a regular basis. Very rarely is there a raid that's conducted where we are not confronted by similar weapons in almost every case. And the officers' safety is an issue I think that Congress needs to address.

I would like to reiterate my support for the bill that you've sponsored which I think is a rational approach to trying to stem the flow of these kinds of weapons into the wrong hands and into hands that are used against us. The other issue involving these weapons is Mexico. One of the things that we hear constantly, and I think that it's a valid complaint on the part of the Mexicans, is

that we do very little to stop the importation/exportation of weapons into Mexico. And I speak specifically of the automatic weapons. They're going literally by the thousands into the country of Mexico, and I don't blame them for being angry. I think that this country ought to do a lot more or a lot more than they have to assist the Mexicans in that effort. I thank you for the opportunity to address you this morning.

Senator DECONCINI. Thank you very much, Sheriff. We will hear from Major Ogden on behalf of the Yuma County Sheriff's Office. Welcome, Major.

YUMA COUNTY SHERIFF'S OFFICE

STATEMENT OF MAJ. RALPH OGDEN

Mr. OGDEN. Thank you, sir. I also would like to thank you for the opportunity to speak before you. My illustrious predecessor has taken up most of the good stuff so I'm going to go down to the on-scene smaller county attributes.

I'd like to tell you a little bit about our Southwest Border Alliance. As you know, Yuma County is also bordered on the south and partially on the west by Mexico and we do have problems with narcotics, definitely. In 1987 we formed a Southwest Border Alliance. I think at that time we had approximately 12 officers. Since then we have increased the number of officers to 18.

The cooperation is great. The 18 officers consist of DEA officers, Customs officers, border patrolmen, Department of Public Safety, Yuma Police Department, Yuma County Sheriff's Office, local agents, and Arizona Western College. Of all these 18 agents that work in this group right now, 4 of those positions are funded under the ACJC grants which are funded with Federal money. Without those our county and cities cannot afford to have the power we do. We definitely need continuation of the funding and we need increases in the funding. We have a Yuma County racketeering fund which we put our seizures in. It's to the tune of $750,000, which is a great help in providing equipment, training, et cetera, for our team. The big thing we need is personnel.

We're facing funding that could run out as of December 31 of this year, and it's very important that we get our future funding for Yuma County. As Mr. Holgerson mentioned, statewide, Yuma County with their 18 people over the last 2 years, have had over 620 arrests, seized 9,700 pounds of marijuana, seized almost 1 ton of cocaine, seized 2 to 3 pounds of methamphetamines, $2,900 of dangerous drugs, and over 6 pounds of heroin, three-quarters of a million dollars of money, and 91 vehicles and numerous weapons. We have also seized property which will be sold.

In closing I would encourage you, Senator, to do everything you can do to help us and to get us this funding so we can continue the battle. Thank you.

Senator DECONCINI. Thank you very much. County Attorney Allan Polley.

COCHISE COUNTY ATTORNEY'S OFFICE

STATEMENT OF ALLAN POLLEY, COUNTY ATTORNEY

Mr. POLLEY. I would like to join in thanking you, Senator, for the opportunity to present some information and also to thank you for your leadership in this drug control effort. We feel it is a great benefit to have someone with your experience and your knowledge of the problems to be in the position which you are. I too would like to address the impact that this drug problem has on a rural county.

For the record, although you are well aware, Cochise County has 80 miles of international border. It is a rural area of some 640 square miles of approximately 8,000 in population. The history that we had in drug enforcement for 20 years prior to 1987 was to basically enforce the small-time seller of ounces and grams and basically defer to the Federal authorities the interdiction and prosecution of cases involving the transportation of larger amounts.

In 1987 that strategy was changed with the provision of Federal funding and State funding. And the impact, I feel, has been fairly dramatic in our county. We have had, on an average, 40 to 50 cases in the previous 10 years leading up to 1987. The number of cases now has tripled and will quadruple this coming year. The percentage of our caseload in relation of drug offenses to all other crimes has increased from approximately 15 percent of our caseload to now 45 to 50 percent of our caseload. Last month we made a count and found that 47 percent of our active felony cases were drug cases.

In 1987, with the accumulation of Federal and State funding we were able to add some emphasis and focus on this type of prosecution. The numbers are fairly dramatic. In 1987 when the program was in effect for a portion of the year, there were 3,400 pounds of marijuana seized. In 1988, for a full year, 26,973 pounds were seized. Seizures of cocaine in 1987 were 14 pounds, seizures of cocaine in 1988 were 2,550 pounds. Forfeitures in 1987 were $4,900, forfeitures in 1988 were $119,000. In 1989, which we are confident will result in substantial asset forfeitures, we are now at $1,008,000—this doesn't count any seizures or any activities that are not processed and reported through our Border Alliance group, which is our counterpart to the Yuma Southwestern task force, so this is just a portion of it.

We can add some additional resources in the way of prosecution to alleviate part of the problem, but where we are now reaching the bottom is that the local system can only accommodate so many trials. We have a population sufficient for three superior court judges, and we are at the saturation point now. By increasing caseloads from the felony dispositions in the 350 felony cases per year, we're now to the 550 level. We are quickly approaching saturation, so I don't know what the answers are, but there needs to be some assistance in that area or we will be back to the previous position where we declined to be involved in any matter that had Federal origination.

As it is now, we have, I would say, a significant amount of the funding which has accounted for these increased levels from Federal agencies. We have excellent cooperation from the Border Patrol,

Customs, DEA, and other Federal agencies which have been most involved, and they account to a considerable extent for these increased numbers. But as we reach the bottleneck in our ability to handle the increases in the court system, or in the correctional system, then we'll have no alternative but to decline cases and we'll be back to square one. That was where I assume the problem was not being really addressed; it was being ignored and we urge that that not happen again.

Senator DECONCINI. Mr. Polley, thank you very much. Let me just pursue that issue a little bit.

Do you have any threshold now as to the quantity of drugs that you will prosecute cases on, let's say on marijuana?

Mr. POLLEY. Yes.

Senator DECONCINI. Is that 1 pound, one-half pound, do you prosecute whatever you feel you have got a good case on?

Mr. POLLEY. If there is, I would say less than one-half pound, that would probably be designated as a misdemeanor for treatment in either the justice or city courts, unless it was someone we had reason to believe was involved in drug trafficking.

Senator DECONCINI. What percentage of your cases are originally derived from Federal agencies?

Mr. POLLEY. Through our bag report, again where our task force is involved, I don't have the actual numbers, but I would guess it is somewhere in the range of 70 percent.

Senator DECONCINI. Seventy percent of your drug cases?

Mr. POLLEY. Right. That is, a great many of the cases which the local agencies are involved in are more in the area of receiving the evidence and taking custody of the accused, but the case is really investigated and processed by the Federal agencies.

Senator DECONCINI. When you try the case, do you use the Federal agents?

Mr. POLLEY. Yes.

Senator DECONCINI. As your key witnesses?

Mr. POLLEY. They become the key witnesses. Another part which makes it really good is that the Federal agencies are very generous with the asset sharing and that makes it possible for this to occur.

Senator DECONCINI. The Federal agencies do participate in a big way by sharing assets with local prosecutors as well as with local law enforcement, is that correct?

Mr. POLLEY. Yes; they're most generous.

Senator DECONCINI. What does that mean to you?

Mr. POLLEY. Well, it means an ability to pay for the program. The local resources are not enough.

Senator DECONCINI. Do they pay for the task forces, or does that include more prosecutors for you?

Mr. POLLEY. Both. We have an understanding where out of thin air we allocate the forfeiture assets in the following manner: 20 percent for prosecution, 80 percent for law enforcement. And again, these are figures that we started to work with.

Senator DECONCINI. So if, for example, they have over 1,000 Federal agents involved, then you get $20,000 for the prosecutor's office in Cochise County?

Mr. POLLEY. Yes; and we are currently funding a drug prosecutor position from both the combination of grant money with the bal-

ance of the position being funded from the forfeiture funds. The funding, as has been mentioned, terminates as of December 31 of this year and then if we're not self-reliant, or unless Federal funding comes——

Senator DECONCINI. What will you do if you don't get funded beyond that point? What will that do to your office? Will you have to let a prosecutor go?

Mr. POLLEY. No; we are funded for at least a year. We have cash in hand of approximately $250,000 in the fund now.

Senator DECONCINI. So you could——

Mr. POLLEY. We accumulated that money and didn't spend it so we could have at least a year's continuity after money stops coming in.

Senator DECONCINI. If the board of supervisors or the State of Arizona or somebody didn't step in to meet your funding requirements, you might then lose your capability to prosecute?

Mr. POLLEY. We most definitely would.

Senator DECONCINI. Or it would be diminished?

Mr. POLLEY. Yes.

Senator DECONCINI. You say your courts are being swamped and your judges are being designated according to population; is that correct?

Mr. POLLEY. That's correct.

Senator DECONCINI. Judges are not being designated by the number of cases?

Mr. POLLEY. That is true, it is done according to population. There is one judge for each 30,000 people.

Senator DECONCINI. Where does that population, out of curiosity, rank for obtaining a new judge? Is it anywhere close?

Mr. POLLEY. I guess that is subject to speculation. I think a population of 105,000 would be the major fraction of 30,000 which would qualify for the fourth division. However, there are transfers from Fort Huachuca which may decrease population so that we may not get from the 100,000 to the 105,000 very quickly.

Senator DECONCINI. So, military and Government personnel count toward your population?

Mr. POLLEY. Significantly.

Senator DECONCINI. Thank you, Mr. Polley.

Mr. POLLEY. Thank you.

Senator DECONCINI. Major Ogden, your task force has had some tremendous success down in Yuma and your funding runs out in December also; is that correct?

Mr. OGDEN. Yes, sir; for the four positions.

Senator DECONCINI. How many years have you had that task force?

Mr. OGDEN. This particular task force has been in effect since 1987.

Senator DECONCINI. And it has Federal participants in it, does it not?

Mr. OGDEN. Yes, sir; very much so.

Senator DECONCINI. Have you witnessed the same generosity or the same cooperation from Federal agencies on sharing of forfeited assets?

Mr. OGDEN. Yes, we have.

Senator DECONCINI. What does that mean to your task force, dollarwise? Do you have any idea?

Mr. OGDEN. As I said, probably 50 percent of the cases would be Federal cases coming through.

Senator DECONCINI. Are those Federal cases coming there?

Mr. OGDEN. Yes, sir.

Senator DECONCINI. How much of the money have you received from asset forfeiture? Do you have any idea? You can give us a ballpark figure.

Mr. OGDEN. No, sir; I don't at this time.

Senator DECONCINI. Is it $100,000 a year or much more than that?

Mr. OGDEN. About $200,000 a year more than that.

Senator DECONCINI. And that helps offset in addition to what the Federal grant is?

Mr. OGDEN. Definitely, that allows us to equip our people and to provide the training that is needed.

Senator DECONCINI. Do you know what the related arrests are in Yuma County as a result of drug-related cases?

Mr. OGDEN. No, sir; I don't have that information.

Senator DECONCINI. Do your officers in Yuma County carry semiautomatic weapons?

Mr. OGDEN. No, sir; although we have some in our special weapons units.

Senator DECONCINI. How about in the task force?

Mr. OGDEN. No, sir; in the task force we do not carry semiautomatic weapons.

Senator DECONCINI. You do not carry them. Have you come across them in the course of your enforcement efforts?

Mr. OGDEN. Yes, sir; we have.

Senator DECONCINI. Can you give us an example recently of how many times you have come across the use of them by perpetrators?

Mr. OGDEN. I would say we don't have nearly the problem that you have here in Tucson with them, but approximately 2 to 3 months ago we recovered three AK-47's in a raid. They were not being used at the time we were able to get ahold of them.

Senator DECONCINI. You seized them before they were used against your people. Do your people wear armor piercing protection equipment in such circumstances?

Mr. OGDEN. Yes, sir; they do.

Senator DECONCINI. So you have that equipment?

Mr. OGDEN. Yes, sir.

Senator DECONCINI. If you had the funds would you provide your personnel with semiautomatic weapons?

Mr. OGDEN. I think we have to look at arming ourselves at least as well as the crooks are armed.

Senator DECONCINI. Would you say the crooks are better armed?

Mr. OGDEN. Yes, sir; I would say, the drug dealers are better armed.

Senator DECONCINI. More so than your law enforcement officers?

Mr. OGDEN. Yes.

Senator DECONCINI. You say you are at a disadvantage as far as fire power?

Mr. OGDEN. Yes, sir.

Senator DECONCINI. That's mostly because the criminals are armed with assault weapons?

Mr. OGDEN. Yes, sir; they are armed with a great amount of assault weapons and automatic pistols.

Senator DECONCINI. What is the most common assault rifle that is used? Can you give me one or two examples that you have come across?

Mr. OGDEN. The AK–47, that sticks in mind, also the AR–15.

Senator DECONCINI. Thank you. Sheriff Dupnik, you talked about Operation Alliance and I think you're on the board of the Alliance, is that right?

Mr. DUPNIK. Yes, sir.

Senator DECONCINI. And you and I have discussed the frustration that you have with the Alliance and also some of the benefits. A couple of years ago you testified in Phoenix that you thought much more could be done through Operation Alliance. Has that improved at all?

Mr. DUPNIK. It has. But what I was speaking to specifically, was the fact that State and local law enforcement agencies similarly don't have the resources to participate in operations along the border that they really ought to be involved in.

Senator DECONCINI. So the idea is good but the personnel, equipment, and assets are just not there?

Mr. DUPNIK. Well, I think that Operation Alliance since its inception has created a greater participation and a greater cooperation among the local and State and Federal agencies that is unprecedented, it never existed before. We get fantastic cooperation from all the Federal agencies, and we're involved with all of them in a variety of task forces in this area. The problem is that we can't involve our own agencies to the extent that they ought to be.

Senator DECONCINI. Is that because you don't have the resources?

Mr. DUPNIK. Yes; and sadly, I don't know if you're aware of this, I think Mr. Holgerson alluded to it before, but the Arizona legislature did not provide the matching funds in this year so that we can apply for the money. The Federal money coming in out of 19——

Senator DECONCINI. This would be for the next fiscal year?

Mr. DUPNIK. That's correct, they adjourned without providing matching funds for Federal grants in the future.

Senator DECONCINI. That's been the basis by which you've been able to get the grants?

Mr. DUPNIK. That's correct.

Senator DECONCINI. I wasn't aware of that.

Mr. DUPNIK. I think it's a disgrace. It certainly gives some indication of where the legislature, our own State legislature places the priority on narcotics enforcement.

Senator DECONCINI. Which means that if we want to try to get Federal funds we have to have matching State funds and whatever you have locally unless we ask for some kind of waiver or some kind of special permission. We certainly don't have the State participating.

Mr. DUPNIK. This is a problem that we have not developed a strategy to deal with yet because it happened a few days ago.

Senator DECONCINI. You don't know what the Department can do?

Mr. DUPNIK. If we can't find a way to get the legislature to appropriate money early next year, we will have to resort to other means, or we simply won't have the money.

Senator DECONCINI. You talked about Mexico—that there had been some improvements, and I tend to agree with you. In the Salinas administration they're doing some positive things toward cooperation in narcotics involvement and yet you make a very important point concerning the lack of cooperation along the border.

Have you had any cooperation along the border with your counterparts in Sonora, Mexico?

Mr. DUPNIK. In my judgment, not to any significant extent.

Senator DECONCINI. You also point out, Sheriff Dupnik, the problem of guns flowing into Mexico—and I agree wholeheartedly with you and Chief Ronstadt, that's a problem that we need to do more about and I will ask another agency here about that—but let me ask you about the weapons that are used by your officers. Are they armed with semiautomatic weapons?

Mr. DUPNIK. All of our specialized units of narcotic officers are SWAT teams and so they all have the most up-to-date modern weapons. That's not a problem. The problem is that our field officers are unexpectedly confronted by the same situation. Our department recently evaluated how we equip our officers, and we are in the process of phasing in 9 mm automatics for all of our personnel.

Senator DECONCINI. This year?

Mr. DUPNIK. We have already started.

Senator DECONCINI. What brings that about, drug-related cases?

Mr. DUPNIK. Yes, sir; and officer safety.

Senator DECONCINI. I mean, in responding to drug-related cases and having to have fire power that is greater than what your officers have.

Mr. DUPNIK. That's correct.

Senator DECONCINI. What has been your experience with confiscated weapons that you've come across?

Mr. DUPNIK. Well, I said earlier, there's very rarely a time when we're involved in a raid involving narcotics that we're not confronted by automatic weapons.

Senator DECONCINI. What is the most frequent one or two that you have seen used by drug dealers?

Mr. DUPNIK. The most used are AK-47's. There are also a lot of Uzis out there.

Senator DECONCINI. And have you seen some of those from your officers?

Mr. DUPNIK. Yes, sir.

Senator DECONCINI. From your cases?

Mr. DUPNIK. That's correct.

Senator DECONCINI. Have your officers been fired on by those semiautomatics?

Mr. DUPNIK. I can't give you a specific instance off the top of my head, but I'm reasonably certain that they have.

Senator DECONCINI. Chief Ronstadt, what is the percentage of the cases in the city here that your officers are involved in that are drug related?

Mr. RONSTADT. It's almost an impossible task to try to come up with a specific number. Again, it depends on the nature of the drug or of the drug involvement. There is no question that a significant percentage—in some cases it has been estimated as high as 50 percent—of the property crimes have some relationship to drugs. A greater percentage would be if you included those people who are substance abusers, including alcohol abusers. So there's kind of a spectrum there, but there's no question that increasing drug use or drug abuse is going to lead to all sorts of "spinoff" crimes.

Senator DECONCINI. What is the fastest growing drug that you see being used, in your experience from the enforcement side in this county?

Mr. RONSTADT. Most recently the fastest growing is crack.

Senator DECONCINI. What is the price of crack on the streets of Tucson?

Mr. RONSTADT. I couldn't tell you. It's my understanding that it's basically competitive with that in the Western United States. But it depends on who you're buying it from.

Senator DECONCINI. Have you witnessed in Tucson, and Sheriff Dupnik, you might answer this too, the gangs from California or any other place? Some are known as the "Crips" and the "Bloods." Are they active here?

Mr. RONSTADT. Yes; from our perspective. We don't know how many of those people actually are members or just call themselves gang members or are associated with them. But there's absolutely no question that that's very prevalent here, and that it's on the increase.

Senator DECONCINI. Do you concur with that, Sheriff Dupnik?

Mr. DUPNIK. I do and I think this is an opportunity to pat the chief on the back. For a couple years, he's had a very active antigang unit in the city and I think because of their efforts that's one of reasons that we don't have more of a problem than we do today.

Senator DECONCINI. Are there active crack houses operating today in Tucson or Pima County?

Mr. RONSTADT. Yes, there are.

Senator DECONCINI. Do you know, are they suspected at least to be related to organized gangs from California, or are they local?

Mr. RONSTADT. There again, in terms of street talk, in terms of public perception or neighborhood perception, yes, there is a direct link in terms of organization. It's difficult to know that, again because people can call themselves whatever they want in order to get that reputation. But I'm not sure how exact it is. There's absolutely no question, however, that regardless of whether there's a formal link or not, the problem is here and we have to deal with it that way.

Senator DECONCINI. Have you had experience raiding crack houses operated by gangs and seeing the confrontation between gangs for territorial control?

Mr. RONSTADT. We have had instances in Tucson of violence among people who profess to be members of rival gangs, including the kind of street shooting that occurs when an individual gives a

gang signal or wears the colors of a rival gang. Again, whether or not these are "wanna-be's" or whether or not they're real doesn't make any difference, the violence is real. The same is true with crack houses.

Senator DECONCINI. These are gangs who primarily are dealing with cocaine or crack?

Mr. RONSTADT. Those people are involved in the drug trade, certainly.

Senator DECONCINI. And have your officers had experience raiding those houses and confiscating weapons?

Mr. RONSTADT. We have raided crack houses. We have confiscated weapons.

Senator DECONCINI. You just recently seized five AK-47 weapons, I think I read.

Mr. RONSTADT. Not within the city.

Senator DECONCINI. Is that in the county, sheriff?

Mr. DUPNIK. It was.

Mr. RONSTADT. Within the city but not in our jurisdiction.

Senator DECONCINI. What kind of weapons are you finding when your officers do have success?

Mr. RONSTADT. Our officers are finding that over the past couple of years there has been an increase in the number of people who are armed with not so much fully automatic weapons, but semiautomatic carbines or assault type weapons, which are also like the semiautomatic handguns.

We had an incident less than a year ago where our officers on a traffic stop wound up in a fire fight with an individual who had an Uzi semiautomatic; that individual got off 20 some-odd rounds. I guess our officer who at that time was equipped with a six-shot revolver, had to actually reload during the fire fighting. Fortunately the outcome was——

Senator DECONCINI. Was that incident drug related, or do you know?

Mr. RONSTADT. We have every reason to believe that the individual involved in that incident is dead.

Senator DECONCINI. And what is the most popular weapon that you have to cope with if you're dealing with drug dealers?

Mr. RONSTADT. We have probably four categories, one is the Uzi, although that seems to be less popular now than the AK-47, Mac 10, and Mac 11.

Senator DECONCINI. Do you have any reason why that AK-47 is so popular? What do your street people tell you?

Mr. RONSTADT. The people on the street say, No. 1, it is relatively cheap, relatively plentiful, and easy to obtain, especially the Chinese ones. It also looks nasty. Apparently it adds high visual appeal, just like the Uzi did a few years ago.

Senator DECONCINI. Do you have any comments, Sheriff Dupnik?

Mr. DUPNIK. I think he conveyed it accurately.

Senator DECONCINI. Very good. You mentioned, Chief Ronstadt, you need more participation by the military. That's always a controversy in Congress. How much do we use the military here? In this State, I understand, we've had a very receptive National Guard leader that has come up with some innovative ideas. However, there's been kind of a slow movement by DOD in the use of the

Guard. I must say it's better since General Olmstead has started to put a specific plan together. It's taken a long time, but what kind of things could the military do that they're not doing now, say here in this community or along our border?

Mr. RONSTADT. Senator, there are two areas where the military can be of use. One area is participation in assisting with detention and so forth. Once the smuggler, or whatever, has entered this country, what that leads to, which is not necessarily all bad, is prosecution efforts and so on.

What I think has not been done, and needs to be done, is to actually employ military forces to in essence guard the border. What that basically means is to tell people who appear to be approaching the border, "No, you can't come in here. If you're going to come in here you have to go through the point that we designate, otherwise you must face the consequences." Basically at that point you are preventing somebody from entering and theoretically negating the need for prosecution. I believe it's well and good to track somebody as they're flying over the border, but that means then that you have to use your resources. Once you catch them to arrest them, you have to deploy forces every time to prosecute, and so forth, and that has to be done. But it appears to me that prevention may be the best way, which is to build a strong fence, unfortunately.

Senator DECONCINI. Do you agree with that, sheriff, or do you have any comments to add to that?

Mr. DUPNIK. I think that the military could be used to a greater extent than they have been used in the past. But as you know, there are a lot of problems with trying to get the military involved along the border.

First of all, they are not trained to be law enforcement officers. They're not trained to separate good people from bad people. And that's one of the big problems that we have with the military along the border. They simply don't have the training, and to try to put them into a law enforcement kind of a mode would be a monumental task. I'm not sure that it's possible to do that. But I do think they can do more in making some of their resources available. They make them available now, but the process is such that there's still a lot of redtape, and when we have a need for military-type equipment, we have a need for it today, not 2 months from now.

Senator DECONCINI. One last question to you, Chief Ronstadt and Sheriff Dupnik. The Federal participation here in Arizona with the Air Interdiction Program, the tremendous success that the Border Patrol has recently demonstrated, your evidence here and that of the Cochise County attorney, testifying that the increase is up. Do you attribute that increase at all to the Air Interdiction Program, or are we just in the midst of a wave that's coming, whether it comes across the ground or the air or the sea?

Mr. DUPNIK. Well, I think this is a complicated problem. I think that the aerostats have an effect. I think our strategy has been to try to narrow the size of the funnel, and I think that the aerostats serve a very valuable mission in that respect, such as forcing the smugglers to do the kinds of things that make it easier for us to catch them. They have resorted to some techniques that make it very difficult for them and also easier for us to catch them. For example, down in Cochise County I think the Border Patrol just a few

weeks ago intercepted a couple of tons of cocaine that was being backpacked across the border by individuals.

Senator DECONCINI. Were these monumental amounts flown across before?

Mr. DUPNIK. That's correct.

Senator DECONCINI. They pay a price.

Mr. DUPNIK. We need to keep the pressure on and we need to keep constantly trying to narrow the size of the funnel.

Senator DECONCINI. Chief?

Mr. RONSTADT. One thing I'll mention. I agree that air interdiction has certainly been effective, and has increased the caseload because it is successful. They are all real indications, I think, that where some of this stuff is coming across is now being dictated by whatever aerial capabilities are in place, including aerostats. The emphasis I'm making, what I'm talking about, is defending the border not necessarily as a law enforcement exercise. I believe that it should be the right of the country to dictate where people cross regardless of the purpose they might have for trying to cross.

Senator DECONCINI. You don't think that it would pose any problem with our friendly neighbor to the south by having the military along the border?

Mr. RONSTADT. I believe that it can be done and that there's a rational way of explaining this. I believe that it might be difficult; it's certainly a sensitive issue. It's perfectly legitimate for our country to determine whether other people are going to enter the country, and where.

Senator DECONCINI. Mr. Holgerson, I have one question I'd like to ask you, then we have to move on to the next panel.

Recently, it was reported that States are not drawing down all of the Federal funds that have been awarded for the war on drugs. In fact, one story states that $77 million in drug treatment education grants have not been used for the first 6 months of this fiscal year. In the past, the State and Local Law Enforcement Grant Program had been criticized because the money was not being spent by the individual States in a timely fashion.

First, I'd like to know how much Federal money is Arizona entitled to this year under the State and Local Law Enforcement Grant Program, and will the State be able to use all of it in a timely fashion? Can you also tell us if there is a hangup on the Federal side as to the use of these funds?

Mr. HOLGERSON. That I don't know about, not in Arizona in the Drug Enforcement Grant Program. The commission got $1.75 million in this period of time. We have already allocated that to the various task forces and prosecuted these through the State.

Senator DECONCINI. Has all of it been completely disbursed?

Mr. HOLGERSON. It has been allocated. It won't actually be completely spent until December 1989.

Senator DECONCINI. Because it's a time——

Mr. HOLGERSON. It's programmed out, but it's in the pipeline.

Senator DECONCINI. Arizona doesn't have any problem with the subsequent matching amounts that, quite frankly, are not coming?

Mr. HOLGERSON. Not now.

Senator DECONCINI. Have we received our full allocation and do we have it in place?

Mr. HOLGERSON. Yes, sir; we have it already totally programmed.

Senator DECONCINI. Do you have any comment regarding the fact that the legislature didn't appropriate the matching funds? Did you participate in that debate at all?

Mr. HOLGERSON. As the drug coordinator for the commission, I'm very much aware and involved.

Senator DECONCINI. What are you going to do about it?

Mr. HOLGERSON. I think we have a serious problem on our hands. We have all these task forces and prosecutorial and adjudicative entities funded through December 31, 1989. As you know, in the next Federal fiscal year we have to have a dollar-for-dollar match in State and local funds for Federal funds.

Senator DECONCINI. Which means that if the State doesn't put up the funds——

Mr. HOLGERSON. We don't get the Federal moneys.

Senator DECONCINI. You don't get it until the local government puts up its share, so that would be the only other possibility to receiving the full allocation.

Mr. HOLGERSON. Under Arizona State law, that's quite accurate. Under State law, we have this drug fine business, and we're collecting approximately three-quarters of a million dollars a year from drug fines.

Senator DECONCINI. Is that set aside for that, drug purposes?

Mr. HOLGERSON. That's set aside for that purpose, so that will match part of it, but we're still—unless something changes between now and December 31—we're still in the posture of possibly using local funds for matching and that means some of the people who have stored up will be able to play and those who haven't been able to store up will go out of business.

Senator DECONCINI. But on the other hand, if you have three quarters of a million dollars you could justify using that for the first part of your matching share for the next fiscal year if the legislature indicated any willingness to appropriate the balance, is that correct?

Mr. HOLGERSON. That's correct. Probably what we would be looking at is some kind of 3-month temporary program into 1990 until maybe something else could take place.

Senator DECONCINI. Thank you, gentlemen. Do you have any questions? Thank you very much, gentlemen, you have been very helpful. This concludes the first panel.

[PANEL 2]

U.S. BORDER PATROL

STATEMENT OF RONALD J. DOWDY, CHIEF BORDER PATROL OFFICER, TUCSON SECTOR

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

STATEMENT OF THOMAS A. McDERMOTT, SPECIAL AGENT IN CHARGE, ARIZONA

OPERATION ALLIANCE

STATEMENT OF JAMES E. BOWEN, SENIOR TACTICAL COORDINATOR, EL PASO

NATIONAL GUARD

STATEMENT OF MAJ. GEN. DONALD OWENS, ADJUTANT GENERAL FOR ARIZONA

INTRODUCTION OF WITNESSES

Senator DECONCINI. The next panel may please come forward. Our witnesses are Ron Dowdy, Chief Border Patrol Officer of the Tucson sector; Tom McDermott, Special Agent in Charge, U.S. Customs Service; Mr. Jim Bowen, Senior Tactical Coordinator for Operation Alliance in El Paso; and Maj. Gen. Donald Owens, Adjutant General for the National Guard, State of Arizona.

Gentlemen, thank you very much for being here today. Your full statements will appear in the record. We'll start with you, Mr. Dowdy. Thank you very much for taking the time to help this committee on several occasions; we know how busy you are. If you will please begin.

STATEMENT OF RON DOWDY

Mr. DOWDY. Thank you, Senator, I too would like to thank you for the invitation to be here today. I have submitted my full testimony in writing; I'll highlight it for you at this time.

As chief of the Tucson, AZ, sector, Senator, my testimony today will deal primarily with my areas of responsibility.

Tucson is one of nine Border Patrol sectors situated along the Southwest border of the United States. We're responsible for approximately 281 miles of United States/Mexico border between the ports of entry.

Our Tucson sector is composed of 10 individual stations, anti-smuggling units, and a small air operations unit. This amounts to

an onduty force of approximately 289 agents and supervisors. In addition to the drug seizures made by our agents, we made approximately 48,000 alien apprehensions during the last fiscal year.

The average onduty force available to perform interdiction efforts along the entire 281 miles of border and to check traffic efforts along the 22 roads and highways departing the border area amount to, on an average midnight shift, to one unit for every 20 miles of responsibility. On an average day shift, this means one unit for 14 miles; on an average evening shift, this means one unit for every 14 miles, Senator, for a two-man unit.

Senator DECONCINI. Those are two-man units?

Mr. DOWDY. Yes, sir; the Immigration Reform and Control Act [IRCA] of 1986 increased the workload for our agents substantially in areas other than drug interdiction.

Despite these additional duties, Border Patrol seizures of narcotics have increased in the Tucson sector. I have attached graphs of cocaine and marijuana seizures in the full testimony submitted.

When we are able to keep agents on the highways to check or observe traffic, we encounter loads of narcotics on an almost daily basis. However, our ability to patrol the international border and the 22 routes of egress is limited to the extent of our available manpower. Consequently, during the current fiscal year, the major emphasis has been placed on our first line of defense, or our actual linewatch and ground sensors program.

Currently, the highways of this sector are receiving approximately one third of the coverage we feel is required to be an effective deterrent against drug smuggling through this area.

In keeping with the spirit of Operation Alliance, cooperation between the Border Patrol, Drug Enforcement Administration, U.S. Customs Service, Arizona Department of Public Safety, and local law enforcement agencies to combat drug smuggling is very good.

In the full written testimony I have included some statistics on our joint agency apprehensions. We do have several Border Patrol personnel assigned full time to the units referred to by the first panel.

In addition to our uniformed Border Patrol personnel, we have our immigration antismuggling unit assigned to the Border Patrol sector here, whose primary Job is to investigate the smuggling of illegal aliens.

During the period from fiscal year 1987 to currently, the antismuggling unit of the Tucson sector has investigated or assisted in the investigation of 30 cases involving alien and narcotics smuggling.

Of the 30 cases reported, 6 have been strictly narcotics smuggling that involved aliens serving in a variety of capacities within the drug smuggling rings. The remaining 24 cases were primarily alien smuggling rings that were involved in or developed into narcotic smuggling also.

The magnitude of narcotics smuggling investigations initiated by our antismuggling agents in Tucson is accentuated by the 287 narcotics leads furnished to other agencies during this period by that single unit.

The men and women of the U.S. Border Patrol are doing an outstanding job. Their willing performance as team players in the war

on drugs has earned them the position of team leaders in the overall interdiction efforts along the Southwest border. Additionally, our agency has taken many positive steps in recent years. We have moved forward with some technology and with some increases in personnel which are detailed in the full testimony. We have highly successful people in narcotics detecting in K-9 units. Additionally, our agency has an extremely successful demand reduction program in youth and community education.

PREPARED STATEMENT

In closing this portion, Senator, I would like to emphasize the fact that interdiction is only one part of the solution to this Nation's drug problem. It is extremely important that we develop a balanced attack together with education, the reduction of supply from the source countries, and interdiction efforts, each being given their proper emphasis. Thank you very much.

[The statement follows:]

STATEMENT OF RONALD J. DOWDY

Mr. Chairman, I would like to thank you and the other members of the Subcommittee for the invitation to appear before you today. I welcome the opportunity to provide you with information on the problem of drug smuggling across the United States/Mexico border. I hope the information we provide you today will be of assistance to the panel in carrying out the important role that Congress has to play in the war on drugs.

The United States Border Patrol is the uniformed law enforcement branch of the Immigration and Naturalization Service. Officially formed in 1924, the primary mission of the Border Patrol is to prevent and detect the illegal entry of aliens into the United States. Throughout these 65 years of existence, the Border Patrol has traditionally accounted for major seizures of contraband including illegal alcohol (in the early years) and narcotics. In 1986, it was officially recognized that our agents routinely seize the majority of illegal drugs along the land border between the ports of entry. At that time, Border Patrol Agents were trained and received limited delegated Title 21 and Title 19 authority.

As Chief of the Tucson, Arizona Sector, my testimony today will deal primarily with my area of responsibility.

Tucson is one of nine Border Patrol sectors situated along the southwest border of the United States. We are responsible for approximately 281 miles of US/Mexico border (between the ports of entry) from the New Mexico state line to the Yuma County, Arizona line. The terrain varies from vast desert to high rough mountain ranges. Departing the border area are 22 all weather highways which connect with two major Interstate Highways that are major routes to the west coast, east coast and to the interior of the United States. The Tucson sector is composed of ten individual stations, an anti-smuggling unit and a small air operations unit. This amounts to an on duty force of 289 agents and supervisors. Due to our primary mission of enforcing Immigration laws, four of these stations are located away from the border area and those agents are not routinely involved in drug interdiction. The primary responsibility of our agents assigned at the other six stations is to control illegal entry at the border. In addition to the drug seizures made by these agents, they made approximately 48,000 alien apprehensions last fiscal year.

The average on duty force available to perform interdiction efforts along the entire 281 miles of border and check traffic along the 22 roads and highways departing the border area (considering two man units and excluding agents not assigned along the border area or working with other agencies) is as follows: 12M to 8A shift—1 unit for 20 miles; 8A to 4P shift—1 unit for 14 miles; and 4P to 12M shift—1unit for 14 miles.

Note: These figures take into account sick leave, annual leave, training and court duty. They do not allow for shortages due to details away from the area such as the recent south Texas emergency.

The Immigration Reform and Control Act (IRCA) of 1986 increased the workload for our agents substantially. These new duties include educating employers about

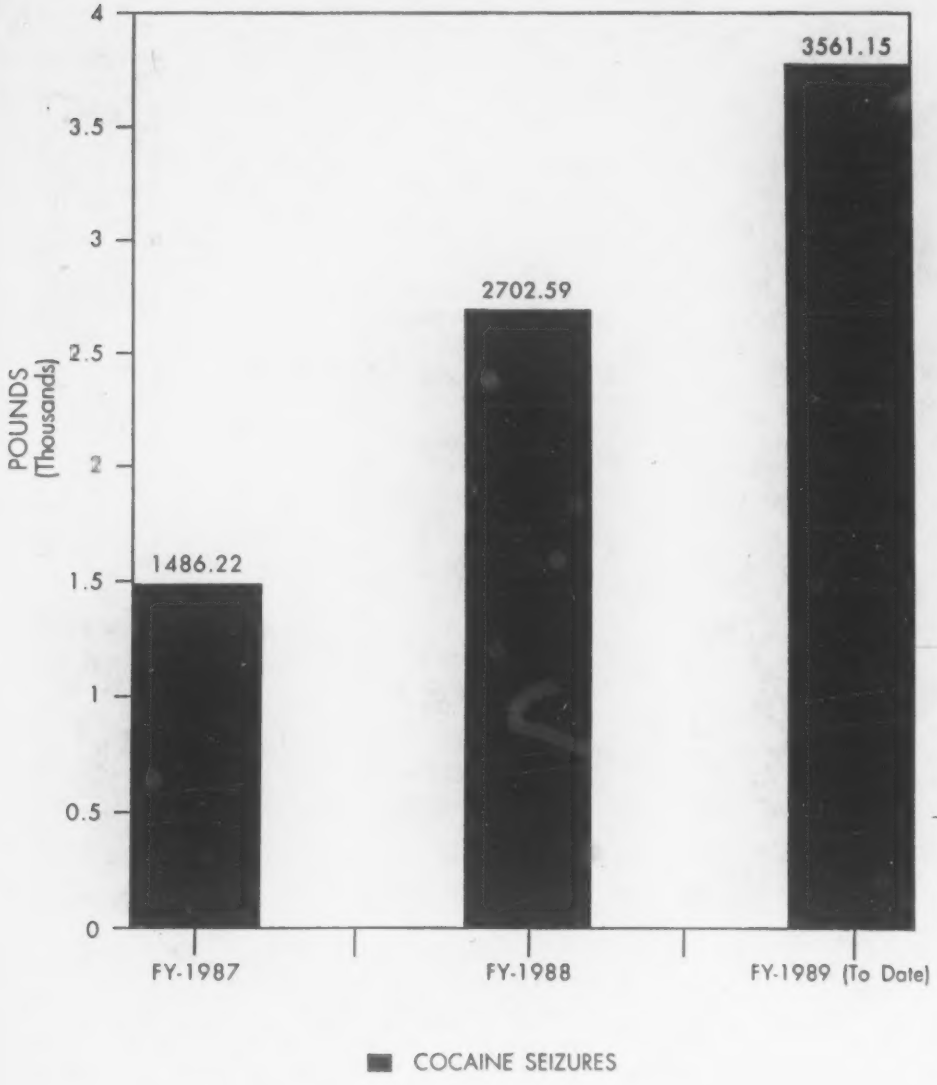
their responsibilities under IRCA's new employer sanctions law and investigating employers who violate its provisions.

Despite these additional duties, Border Patrol seizures of narcotics have increased in the Tucson sector.

[The graphs follow:]

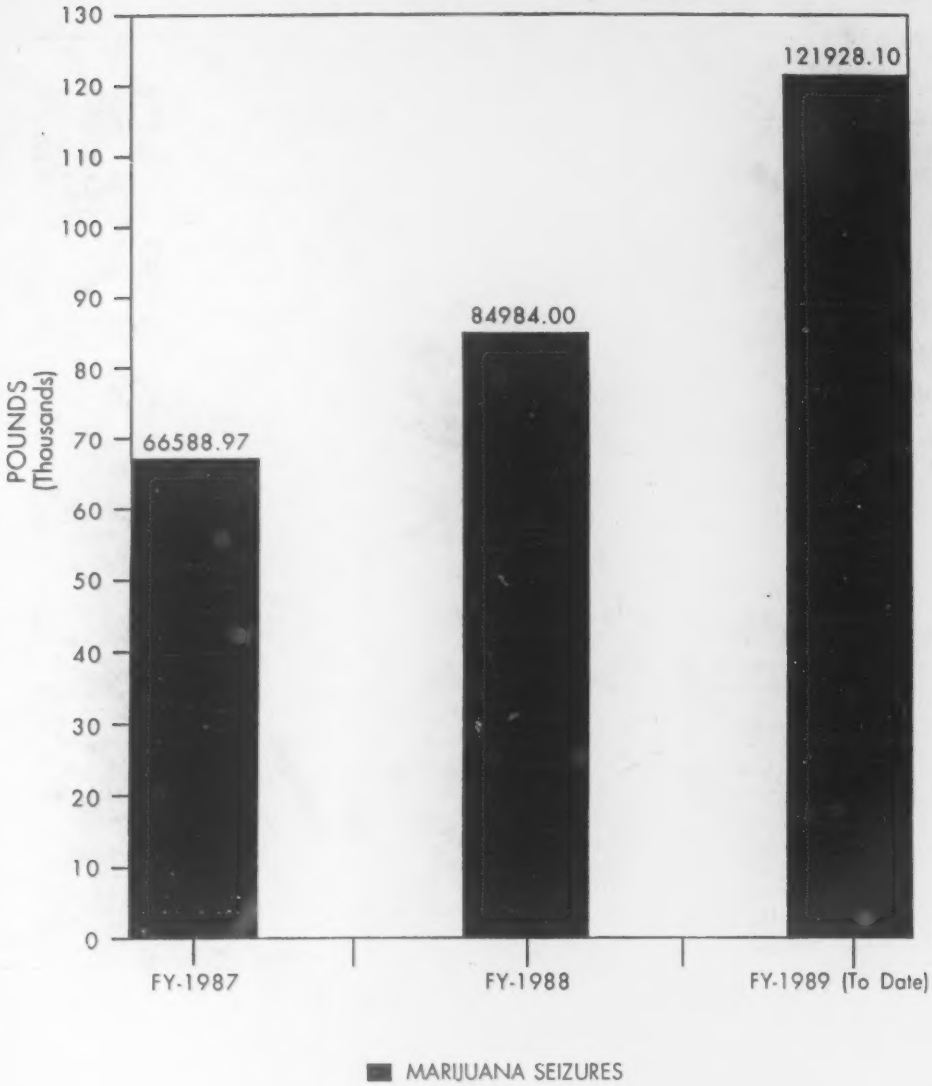
TUCSON SECTOR BORDER PATROL

COCAINE - THREE YEAR COMPARISON



TUCSON SECTOR BORDER PATROL

MARIJUANA - THREE YEAR COMPARISON



When we keep agents on the highways to check or observe traffic, we encounter loads of narcotics on an almost daily basis. However, our ability to patrol the international border and the 22 routes of egress is limited to the extent of our available manpower. Consequently, during the current fiscal year, the major emphasis has been placed on our first line of defense or actual linewatch and our ground sensors program which enhances the ability of our agents to cover vast areas by not remaining stationary but responding to sensor traffic over a several mile radius. The obvious problem here is that agents are frequently busy or, due to distance, unable to respond before violators make it to the roads. Combined with the fact that not all 281 miles of area can possibly be sensored, it is far more effective to cover both the first line of defense (the border) and the second line of defense (the highways). Currently, the highways of this sector are receiving approximately one-third of the coverage we feel is required to be an effective deterrent against drug smuggling through this area.

In keeping with the spirit of "Operation Alliance," cooperation between the Border Patrol, Drug Enforcement Administration, U.S. Customs Service, Arizona Department of Public Safety and local law enforcement agencies to combat drug smuggling is good. The following is a breakdown of seizures made by border alliance groups and a breakdown of the border alliance groups our agents are assigned to:

USINS Border Patrol—Tucson Sector

Participation in Border Alliance Narcotics Groups

[January 1988 to present]

ARRESTS

Persons arrested	311
Fugitives arrested	6
Arrest Warrants executed	27
Search warrants executed	56

SEIZURES

Marijuana (pounds)	72,323.19
Cocaine (pounds)	967.6
Heroin (ounces)	28
Monies	$5,367,522
Vehicles	222
Weapons	87
Private property	$1,307,851
Real property	$2,234,408

OFFICERS DEDICATED

Tucson—BANG	5
Nogales—BANG	4
Douglas—BANG	2
Naco—BANG	1

During the period from fiscal year 1987 to date, the U.S. Border Patrol, anti-smuggling unit of the Tucson Sector has investigated or assisted in the investigation of 30 cases involving alien/narcotics smuggling.

Specifically, alien/narcotics smuggling is categorized into two types of investigations: (A) An alien smuggling investigation that is commercial by definition; and (B) narcotics investigations that involve aliens legally or illegally in the U.S. These type cases, generally task force investigations worked jointly with DEA, BANG and/or other state or local agencies.

Of the 30 cases reported, six have been strictly narcotics smuggling that involved aliens serving in a variety of capacities within the rings.

The remaining 24 cases were alien smuggling rings that were involved in or developed into narcotics smuggling also.

The magnitude of the narcotics smuggling investigations initiated by our agents in Tucson is accentuated by the 287 narcotics leads furnished to other agencies during this period.

Working in harmony with personnel from a variety of other law enforcement agencies, the men and women of the United States Border Patrol are doing an outstanding job, faced with an overwhelming task. Their willing performance as team players in the war on drugs has earned them the position of team leaders in the overall interdiction effort along the southwest border. Our agency has taken many

positive steps in recent years: low light level television to aid in border surveillance; increased use of ground sensors; development of a self-contained mobile infrared ground surveillance vehicle; our highly successful people/narcotics detecting K-9 units; evaluation of the "Hummer" (a proto-type off road vehicle far superior to our standard four wheel drive units); and our highly successful "Project Roadrunner" (evaluation of high performance pursuit vehicles on the Arizona highways). In addition, our agency has an extremely successful demand reduction program of youth/community education and some sectors (Tucson included) sponsor Explorer Scout Posts for young persons, ages 14 through 21, interested in a career in law enforcement.

Mr. Chairman, in closing, I would like to emphasize the fact that interdiction is only one part of the solution to this nation's drug problem. It is extremely important that we develop a balanced attack with the education, reduction in supply from the source countries and interdiction efforts each being given their proper emphasis.

Thank you, Mr. Chairman, I would be glad to respond to any question which you may have.

Senator DECONCINI. Mr. Dowdy, thank you. Let me just make a brief commentary. I find it awfully difficult to see the administration refuse to provide over $800 million in an urgent supplemental appropriation bill for treatment and some $3 million for education. I agree with you and I'm glad the Border Patrol takes that firm position. It would be nice to get the rest of the administration to also support your statement.

Be that as it may, Mr. McDermott, would you please proceed.

STATEMENT OF TOM MCDERMOTT

Mr. MCDERMOTT. It is indeed an honor for me to be here before you today and discuss the antidrug enforcement efforts of the U.S. Customs Service as it relates to the United States/Mexico border. I will dispense with the reading of my statement and I will submit it for the record.

Mr. Chairman, we have seen a drastic and dramatic increase in drugs and violence coming across our border. Displayed before you today is an example of the weapons seized by U.S. Customs Service and the Bureau of Alcohol Tobacco and Firearms, which we have taken out of the hands of drug smugglers.

Our enforcement strategy in the U.S. Customs Service is broken down into three different strategies, three different areas. It includes interdiction at ports of entry, interdiction between the ports of entry, in the almost 400 miles of Arizona Mexican border, and zero tolerance, not only on narcotics crossing the border but weapons. We have established a get tough policy here along with the U.S. attorney where anybody possessing any amount of narcotics crossing our borders or traveling south with any type of weapon will be brought to justice and vigorously prosecuted.

Senator DECONCINI. Excuse me, Mr. McDermott, you use the zero tolerance policy; is that right?

Mr. MCDERMOTT. Yes, it is.

Senator DECONCINI. Does that include marijuana?

Mr. MCDERMOTT. Yes, it does.

Senator DECONCINI. If you found somebody coming across the border with a gram of marijuana, do you take it to a U.S. attorney, or do you take it to the local prosecutor?

Mr. MCDERMOTT. Our program calls for any traceable amount; and, obviously with a case in which we can prove the necessary knowledge and intent, they will either be taken before the U.S. ju-

dicial system or, as happens in many situations, the county may take some of the burden as well.

Senator DECONCINI. Where do your officers take them?

Mr. MCDERMOTT. Our officers take them either to the U.S. court or to the county attorney, and turn them over.

Senator DECONCINI. Is there any threshold amount that you use?

Mr. MCDERMOTT. No, Senator; it's not a threshold issue; it's an issue of whether or not the county can handle the caseload.

Senator DECONCINI. If you have a traceable amount, is it a waste of time of your officers and the judges to try to take these cases before the courts and get them prosecuted?

Mr. MCDERMOTT. I don't think so, Mr. Chairman. I believe that what we're trying to do here is send a message and I believe that some of the skeptics that were out there saying we're going to waste our time looking for small stuff and missing the large items coming across, have missed that point.

As a Customs Service official, I have a hard time determining how they reach those conclusions. I believe that as a result of our zero tolerance program, we're actually looking harder than we've ever looked before. Our people feel that somebody cares about the small seizures, too and that they're fine. As a result of the pressure we placed on the ports of entry, we're seeing the balloon effect. We're seeing the smugglers reverting to deserted areas to bring their loads across.

Senator DECONCINI. So in essence it's a tool for yourself as well?

Mr. MCDERMOTT. I believe so.

Senator DECONCINI. It's a motivating tool.

Now, Mr. Dowdy, is that your policy as well?

Mr. DOWDY. Senator, for prosecution of narcotics seizures, we act under limited delegations or refer those cases to DEA or U.S. Customs for prosecution.

Senator DECONCINI. In other words, you don't have to decide?

Mr. DOWDY. That's correct.

Senator DECONCINI. But as far as traceable amounts, is that your policy as well?

Mr. DOWDY. We refer every single seizure to the Customs Service.

Senator DECONCINI. Now, Mr. McDermott, please proceed.

Mr. MCDERMOTT. Our second strategy is in the area of investigation. The investigation strategy covers not only narcotics investigation but international money laundering as it relates to narcotics activity. It also covers weapons related to drugs. We are committed to keeping these type of weapons that you see before you out of the hands of these drug dealers, these people responsible for the escalation of violence which we have all experienced in out State.

I think the bottom line is that we're working at our capacity. I think it's time to ask for help, and I believe that's what the tone has been here with all my colleagues who have testified before me.

I would like to say that the Customs Service will continue its commitment to prevent narcotics from flowing across the border. We will continue to work together in harmony with all agencies such as the Border Patrol and other agencies involved in the interdiction efforts. It is an honor for me to be a member in this law enforcement community. I think we have pooled our resources. I

think we have proven what we can do with the resources that we have. And I am equally proud of the accomplishments of the dedicated men and women of the Customs Service who lay their lives on the line every day. Thank you.

PREPARED STATEMENT

Senator DECONCINI. Mr. McDermott, thank you very much. And let me just thank all of you very much. As you can hear from the local law enforcement officials, it's a pleasure to this former county attorney to hear the praise of the Federal law enforcement agencies. That wasn't true 8 or 9 years ago, and it wasn't true 15 years ago when I was a prosecuting attorney here. It's a real credit, I think, to all of the Federal law enforcement officials that they are extending themselves to local law enforcement and sharing those assets and making an effort to work together.

[The statement follows:]

STATEMENT OF THOMAS A. MCDERMOTT

Mr. Chairman, members of the Subcommittee, I appreciate this opportunity to be here to testify, and discuss with you, the anti-drug smuggling efforts of the U.S. Customs Service as it relates to the Arizona/Mexico border.

Before answering this committee's questions, I would like to open with a brief statement emphasizing the narcotic enforcement strategy of the U.S. Customs Service, and the escalation of drug smuggling and narco-terrorism on the Arizona border.

Arizona has over 113,000 square miles of land area. Four hundred plus lineal miles are contiguous with the Mexican State of Sonora. Since the 1960's, Arizona has been used as a major corridor for drug smuggling. The topography of the entire border area can best be described as remote and desolate desert, with small mountain ranges having valleys and canyons running north and south. Combine this with a well maintained highway system in Mexico, clandestine aircraft landing sites in remote areas, and you have an easily accessible pipeline into the United States. Customs maintains six ports of entry along the Arizona/Sonora, Mexico border. However, many dirt roads, horse and foot trails, traverse the border in rural and remote areas.

With the increased enforcement efforts in Florida and other southeastern states, Arizona in the last few years has witnessed a dramatic increase in cocaine trafficking. Records for 1985 show less than 100 pounds of cocaine were seized in Arizona. However, from 1987 to date combined law enforcement efforts in Arizona have seized *nearly 20,000 pounds* of cocaine.

This escalation of cocaine trafficking has brought a wave of narco-terrorism to the area. Drug related homicides have become a common event. A gruesome illustration of this is the torture and execution-style mass murders which took place last April in Tucson, Arizona and Agua Prieta, Sonora, Mexico. Customs personnel working the border are receiving more resistance when apprehending drug smugglers and it is now the exception to arrest a violator who is not armed.

Additional evidence of the intent of violence is the increased seizure by U.S. Customs and ATF of armament being smuggled south, and the seizure of large caches of assault weapons seized by Mexican authorities in drug raids in Agua Prieta and Hermosillo, Sonora, Mexico.

In October 1988, Customs and ATF agents arrested individuals at the Nogales, Arizona International Airport who were attempting to supply a Mexican drug cartel with military armament such as assault rifles, grenades, rocket launchers and a fully-armed combat assault helicopter. Customs and ATF have available here today for the Subcommittee's inspection a representative collection of the weaponry that has been seized.

In 1988, the National Drug Policy Board established a five-pronged strategy to address the drug problem; eradication, interdiction, investigation, education, and rehabilitation. The Customs Service was designated as the lead agency for interdiction. Customs has also assumed a large role in the investigation of illegal exportation of arms and drug-related money laundering.

In March of 1988 in cooperation with the Arizona U.S. Attorney, Customs began a "Zero Tolerance" program. The message this program is sending to the drug community is that anyone caught smuggling *any amount* of drugs or weapons will be vigorously prosecuted. To date, this program has brought approximately 495 individuals into the judicial system in Arizona.

Smugglers, in an effort to bring drugs into the country have resorted to sophisticated modifications of vehicles and cargo containers. Customs personnel at the Ports of Entry, have employed canines, X-Ray equipment, computer systems and manpower from the National Guard in detecting these modifications. The presents of the National Guard, with their labor intensified effort of cargo inspection coupled with Customs enforcement programs have created a less desirable environment for the smuggler at the ports of entry. The fact is evidenced by the outstanding seizures being made by the U.S. Border Patrol and Alliance groups in remote areas away from the ports of entry. Customs and the Border Patrol enjoy a harmonious working relationship in Arizona and have participated in many successful combined interdiction operations.

Arizona is unique in that the Tohono Oldham Indian Nation, an area covering some two million eight hundred thousand acres is contiguous to the border. In this vast area, we have eighteen native American agents who patrol and use their native skills to track and apprehend smugglers. In the past eighteen months they have apprehended one hundred seventeen smugglers, seized 21,000 pounds of marijuana and 1600 pounds of cocaine.

Customs has moved into the 21st century with the establishment of Air smuggling interdiction groups in Tucson and Phoenix. These groups are equipped with modern interceptor aircraft containing state of the art electronic equipment. Aided by the highly sophisticated Aerostat Radar Detection System, the combination of law enforcement investigative efforts of the Customs Service, Arizona Department of Public Safety, county sheriff and Police Departments we have increased the risk of detection and apprehension of the air smuggler.

The life blood of smuggling organizations are the enormous profits which they intend to legitimize by moving into legal investments. In an effort to seize these profits and prosecute white collar individuals who are willing to sell out for a quick buck by facilitating the laundering of ill-gotten funds, we have established a Financial Task Force consisting of Customs, IRS, State and Local enforcement agencies. Our strategy is to strip the smuggler of all assets and distribute them to local law enforcement agencies to help in their struggle with the criminal element. To date, the Customs Service has dispersed nearly foul million dollars to Arizona local law enforcement agencies.

Cross designation is an integral element of the successful narcotic enforcement strategy throughout the Southwest. This broadening of authority has broken down barriers of jurisdiction for local, state, and Federal agencies and have maximized enforcement impact.

Customs has extended cross designation authority to the U.S. Border Patrol, and agents of state and local enforcement offices that are participants in Operation Alliance. This enables these agencies to conduct warrantless border searches which are valuable in the border communities and inland areas vulnerable to air smuggling.

DEA granted narcotics investigative authority under Title 21, U.S. Code, to many Customs agents in Arizona. This additional authority enables Customs to effectively investigate border narcotics violations. This affords DEA agents additional time to concentrate on complex domestic investigations.

In closing, I want to assure this subcommittee that we in the Customs service are committed to our mission of preventing the flow of narcotics across our borders. Customs will continue to work in harmony with all agencies pursuing the drug smuggler, money launderer and narco-terrorist. I am honored to be a member of the outstanding law enforcement community in Arizona and I am extremely proud of the accomplishments and efforts of the dedicated men and women of the U.S. Customs Service.

Now, Mr. Chairman, I am ready to answer any questions you and the committee may have.

STATEMENT OF JIM BOWEN

Senator DECONCINI. Mr. Bowen, please proceed.

Mr. BOWEN. Thank you, Mr. Chairman. It's a pleasure to be here today. By the way, it was not true even 4 years ago as far as the relationship between State, local, and Federal law enforcement.

Senator DECONCINI. Was it 4 years? Thank you.

Mr. BOWEN. It was a hard process but one we're very grateful for. This time I will testify before you in reference to Operation Alliance as a whole. I will restrict my comments to just a few items. Personally, I like to say that the State of Arizona is extremely fortunate to have Sheriff Clarence Dupnik as the representative of Operation Alliance. Sheriff Dupnik has set up an excellent program within the State of Arizona and has brought a tremendous amount of expertise to Operation Alliance as far as State and local law enforcement are concerned.

I believe the success of Operation Alliance can be attributed to four specific areas. One is the unique structure of Operation Alliance. Second is the unprecedented cooperation which the Alliance has been able to foster among the medical agencies, the high degree of cooperation between Federal, State, and local law enforcement agencies that has been developed, and the sharing of authority among the agencies through cross-designation. This cross-designation is not restricted to just between Federal agencies, the U.S. Customs Service has cross-designated over 600 State and local officers along the border also.

The previous panel made mention of some joint task forces along the border under the auspices of Operation Alliance. There are 27 of those groups and 9 of those are our smuggling groups which are multiagency. Within Arizona the groups are located in Ajo, Yuma, Douglas, Tucson, Nogales, Flagstaff, and there's some air smuggling groups in Tucson and Phoenix.

To give you an idea of the scope of, or the volume of, drugs being moved across the Southwest border at the current time, those agencies reporting to Operation Alliance on their drug seizures for the period of October through April of this fiscal year seized over 208,000 kilograms of marijuana and nearly 8,900 kilograms of cocaine. To give you an idea of how that compares to the past, in 1986—the year before the Alliance was formed—if you compared that to the current year, there's been an increase of 308 percent in the amount of marijuana and an increase of 1,078 percent in the amount of cocaine seized along the entire Southwest border.

To maintain a proactive concept within Operation Alliance, we've established a communications system which is maintained by the U.S. Customs Service, which allows all of the Federal and State agencies along the border to communicate with each other when they're conducting a joint operation.

This system is voice-secure in nature and there's been approximately 520 voice-privacy radios furnished to the State and local agencies by the Customs Service which have the voice-secure capability. All of the agencies have the capability of using the system in the voice-privacy mode.

Operation Alliance has produced a series of videotapes, which I shared with Federal, State, and local agencies to improve and enhance their ability to deal with drug interdiction and drug enforcement activities. And we're expanding our efforts to work with the various National Guard units in the four border States.

PREPARED STATEMENT

I'll conclude my remarks, Mr. Chairman. I would be glad to answer any questions that you may have.

Senator DECONCINI. Thank you.

[The statement follows:]

STATEMENT OF JAMES E. BOWEN

Mr. Chairman, I would like to thank you and the other members of the Subcommittee for the invitation to appear before you today. I appreciate being given the opportunity to provide you with information on the problem of drug smuggling across the United States/Mexico border. I hope that the testimony that I provide you today will be of assistance to the Congress in carrying out it's important role in the war on drugs.

As you are aware, Operation Alliance was announced by then Vice President George Bush and former Attorney General Meese on August 14, 1986. Operation Alliance was designed to be, and I believe has become, a permanent hardening of this nation's drug enforcement posture along our southwest border. 0peration Alliance represents the largest inter-agency operation that has ever been attempted in the drug interdiction arena. As with any large, multi-agency effort there has been a number of problems which have had to be overcome. Some of these problems were pointed out in the subcommittee's hearings in Las Cruces, New Mexico in 1987 and 1988. I am happy to report to you that the major problems appear to have been solved and that Operation Alliance is now functioning very smoothly.

This opinion is supported by the recent completion of a comprehensive study in January 1989, that was conducted by an inter-agency team composed of three senior Civil Service Career personnel representing the Immigration and Naturalization Service, Drug Enforcement Administration, and the U.S. Customs Service. The report found that:

> "Operation Alliance has made considerable progress in disrupting drug trafficking across the southern border, through the combined efforts of law enforcement agencies. Alliance is not a static entity, it is innovative and proactive. The concept and its implementation, is working."
>
> "The team found that one of the most notable accomplishments has been the unprecedented level of cooperation that has developed between the state, local and Federal participants"

To insure Operation Alliance continues to meet its objectives a similar review is scheduled for August 1989.

The structure for Operation Alliance is unique in Federal law enforcement in that it does not function through normal bureaucratic channels. Control of Alliance flows from the Southwest Border Committee to the Joint Command Group. The Southwest Border Committee is chaired by the Assistant Secretary of the Treasury for Enforcement and co-chaired by the Administrator of the Drug Enforcement Administration and the Commissioners of the Immigration and Naturalization and Customs Services. The Joint Command Group consists of senior field managers from ten federal agencies and a representative from each of the four border states which were selected by the law enforcement agencies of each state. The federal participants include the Drug Enforcement Administration, Immigration and Naturalization Service/Border Patrol, Customs Service, Alcohol, Tobacco and Firearms, Internal Revenue Service, Marshal's Service, U.S. Attorneys, Secret Service, Federal Bureau of Investigation and Coast Guard.

The Southwest Border Committee provides general guidance and establishes the policies to be carried out by Operation Alliance. The Joint Command Group carries out these policies and makes all of the operational decisions for Operation Alliance. Any inter-agency or other problems which can not be resolved by the Joint Command Group are referred directly to the Southwest Border Committee for resolution. This structure allows us to resolve problems quickly by having direct access to the heads of the three primary enforcement agencies. It also gives the Joint Command Group the flexibility it needs to make operational decisions in a timely manner.

Operation Alliance has a coordination center located in El Paso, Texas. This center has a full time staff which includes the Senior Tactical Coordinator and two Deputy Tactical Coordinators. Currently the Senior Tactical Coordinators position is filled by the Border Patrol with the two Deputy positions being filled by the Customs Service and DEA. The Senior Tactical Coordinators position rotates each year

between the Border Patrol and Customs Service with DEA serving as a permanent Deputy.

The State of Arizona is fortunate in having Sheriff Clarence Dupnik of Pima County as its representative to the Joint Command Group. Sheriff Dupnik has set up an excellent program within the State and has brought a tremendous amount of expertise and valuable insight to the Joint Command Group.

Operation Alliance was established to interdict the flow of drugs, weapons, aliens, currency and other contraband across the southwest border. It is our intention to take away the smugglers traditional routes that they have used over the years to move their cargoes of contraband. We want to force them to have to continually seek out new, untried routes and to use newer and less experienced couriers. By disrupting their operations we hope to complicate their operations and reduce their profit margins. Through the asset forfeiture programs of DEA and Customs we want to remove the profits that the smugglers have been able to accumulate during the course of their illicit operations.

To the extent that state and local agencies participate in the interdictive and investigative activities of Alliance the assets that are seized are shared with those agencies. This program, in effect, sets up a direct transfer of funds from the smugglers to state and local agencies to help pay for enhanced drug enforcement efforts. During fiscal year 1988 approximately ten million dollars was shared with state and local authorities in the border area.

I believe that the success of Operation Alliance can be attributed to four specific areas. The unique structure of Alliance, the unprecedented cooperation which Alliance has fostered among the federal agencies, the high degree of cooperation between federal and state and local agencies that has been developed, and the sharing of authority among the agencies through cross designation. With the cross designation of all Border Patrol Agents with limited Title 21 authority from the Drug Enforcement Administration and approximately 2800 Border Patrol Agents with limited Title 19 authority from U.S. Customs, Alliance has increased the number of agents with interdiction responsibility by approximately 3000. The cross designation of certain Customs Special Agents with full Title 21 authority immediately increased the number of agents with investigative responsibility by approximately 128. Additionally the Customs Service has cross designated over 600 state and local officers with limited Title 19 authority.

Another key to the success of Alliance has been the improvement in the intelligence available to law enforcement officials. The El Paso Intelligence Center continues to do an outstanding job in providing the intelligence which it receives in a usable product. Operation Alliance is working closely with EPIC and the national intelligence community to further improve the intelligence being provided to law enforcement agencies. While we still have a long way to go in this area, the improvement to date has been significant and we look forward to even better results in the future.

Our ability to vigorously pursue federal prosecution has been enhanced by the addition of investigators and prosecutors. In many of the areas along the border our ability to present cases for prosecution has exceeded the court systems ability to handle them. The cooperation of the state/local agencies and the many county prosecutors has played a very important role in our ability to ensure that all smugglers are prosecuted. It is our intention to ensure that all smugglers and potential smugglers have a clear understanding that if they are caught smuggling they will have no chance of escaping prosecution. All of the federal and local prosecutors are to be commended for their outstanding contribution to this effort.

Operation Alliance functions in a number of different ways. All of the agencies involved in Alliance are continuing to conduct their normal day to day operations with special emphasis being given to drug interdiction activities. Each of these agencies also conducts individual initiatives, some of which are localized and some with a broader base, utilizing their own assets. In addition to the above, the agencies conduct a number of localized multi-agency initiatives which Alliance supports with funding, coordination and equipment. Alliance conducts Mobile Corridor operations which entail the infusion of additional assets into a preselected area for anywhere from three to thirty days to accomplish a specific task. In these operations Alliance brings the field managers together to prepare an inter-agency strategy which is designed to meet the established goal of that particular corridor, be it high visibility deterrence, covert operations, or pulsed operations along a specific stretch of the border. The additional assets are turned over to these same field managers since they are the ones best qualified to ensure that they are properly utilized.

Additionally, Operation Alliance coordinates short term special operations also referred to as special initiatives. An example of this concept was Operation October-

fest. Operation Octoberfest was designed to incorporate a combined strategy to conduct intensified air, land and marine interdiction along the entire southwest border as well as adjacent coastal waters. The operation was conducted from October 17, to November 18, 1988, to coincide with the marijuana harvest in Mexico. Activities carried out during this period were a series of pulse-surge operations, creating numerous mini-operations, each of which was designed to enhance the efforts of the multi-agency teams working in the local areas. The operation was responsible for the seizure of nearly 82,000 pounds of marijuana, over 1600 pounds of cocaine, and $1,232,000 in currency. It is believed that Operation Octoberfest was the single largest, multi-agency interdiction operation ever conducted within the United States.

Operation Alliance has established eighteen Border Alliance Groups and nine Air Smuggling Groups along the southwest border. These groups handle all interdiction referrals for prosecution in their areas and conduct both follow-up and interdiction investigations. The groups are made up of two or more agencies working jointly and in most cases they have state and local agencies who are participating on either a full time or time available basis. Within Arizona we have Border Alliance Groups operating in Yuma, Ajo, Tucson, Douglas, Nogales and Flagstaff. Air Smuggling Groups are located in Tucson and Phoenix. These groups are becoming increasingly effective and in a number of the smaller metropolitan areas are serving as the primary drug enforcement entity for the area. A good example of this is the Border Alliance Group in Yuma, Arizona which has as participants virtually all of the state and local law enforcement agencies which have any drug enforcement responsibility. In Texas a number of the Alliance Groups have been merged with the Texas Narcotics Control Program drug task forces and close working relationships are being established between those that have not been merged.

It is always difficult to determine how effective a particular drug interdiction program is and also to determine what the level of drug seizure would have been if the program had not been initiated. I can state, however, that it is the consensus of the law enforcement agencies, federal, state, and local, that Operation Alliance is the most viable interdiction program that has ever been established. This opinion stems not only from the increase in the amount of drugs being seized but from the substantial increase in inter-agency cooperation that has been achieved and the vast improvement in the available intelligence that the enforcement agencies have at their disposal. The following statistics clearly reflect the increase in the amount of drugs being seized along the border. The statistics quoted below are from October through April of each year, and are drawn from the El Paso Intelligence Center (EPIC) land border seizure data base. Marijuana: FY 1986, 51,118 kg; FY 1987, 84,314 kg; FY 1988 110,825 kg; and FY 1989, 208,784 kg. Cocaine: FY 1986, 755 kg; FY 1987, 1,989 kg; FY 1988, 6,879 kg; and FY 1989, 8,895 kg. The figures listed above reflect an increase of 308 percent in the amount of marijuana seized and a 1078 percent increase in the amount of cocaine seized between FY-86 and FY-89.

In FY-88 Arizona accounted for 33 percent of the marijuana and 24 percent of the cocaine seized along the southwest land border.

In FY-89, through May, Arizona accounted for 31 percent of the marijuana and 16 percent of the cocaine seized on the southwest land border. (The recent seizure of 2645 lbs of cocaine by the Border Patrol near Naco, Arizona will raise Arizona's percentage of cocaine.)

During the first 7 months of FY-89 Operation Alliance has also been responsible for the seizure of approximately 707,828 dosage units of dangerous drugs, $11,569,076 in currency, 507 weapons, 3744 vehicles and 1 aircraft.

Operation Alliance is working closely with Arizona law enforcement officials to monitor drug smuggling activities to ensure that we are able to respond immediately to any change in the current threat levels. Because of the cooperation developed under Operation Alliance we are able to detect shifts in smuggling patterns much more rapidly than in the past. The combined capabilities of federal, state and local law enforcement agencies can now respond to these changes much more effectively than ever before and I can assure you that we will continue to expand our ability to do so.

To maintain the proactive concept of Operation Alliance, we have established the Alliance Communication System, Alliance Video Training Series, and have expanded our role with numerous National Guard Units throughout the United States.

The National Communication System is a secure voice radio network, which is currently operational on the Southwest Border, is maintained and operated by the U.S. Customs Service. Additionally, Customs has loaned approximately 512 voice privacy radios to various state and local enforcement agencies. DEA is currently in the process of obtaining and installing compatible radios. The Border Patrol is programming the frequencies into their existing communications equipment, however,

they currently lack the voice privacy capabilities. Radio transmission by the Border Patrol on this frequency will be in the clear.

To enhance and assist the performance of law enforcement officers in their duties, Operation Alliance in conjunction with the Federal Law Enforcement Training Center (FLETC), has produced a video library. These films cover such topics as Drug Concealment Methods, Asset Forfeiture and Sharing, Money Laundering, Explosive Devices in Narcotics Concealment, and numerous other drug related topics.

In the past year the National Guard has become an extremely active player during Alliance Operations. They have participated at ports of entry with U.S. Customs by providing increased manpower for conducting cargo searches. They have participated with the Border Patrol in conducting covert intelligence gathering and surveillance operations. Additionally, they have supported operations by providing Forward Looking Infra-red Radar (FLIR), Side Looking Airborne Radar (SLAR), Photo Reconnaissance Missions, Satellite, and Secure Voice Radio Communications, and Specialized Training. The National Guard definitely has a role in the drug war, and Operation Alliance is continuously exploring new areas where their expertise can be utilized.

There are several items which have been brought to the attention of the joint command group recently by the state representatives which they feel need to be addressed. One which is considered to be a serious problem is the lack of federal judges. The lack of judges has a double impact; one causes the state courts to carry a heavy burden in prosecuting federal cases and the other requires state and local, as well as federal, officers to have to travel long distances to present cases and appear in court. Another problem is that because of the increased interdiction activities of the federal agencies they are buying up a high percentage of the available spaces in local and county jails. Several of the states have indicated that they are concerned about the guidelines relating to the federal grant process. They have indicated that they feel that they are hampered in their attempts to equitably distribute the grant monies by these guidelines. The last item is one that is shared by all law enforcement agencies and that is the lack of storage space for seized drugs.

Mr. Chairman, in closing I would like to emphasize the fact that interdiction is only one part of the solution to this nation's drug problem. It is extremely important that we develop a balanced attack with the education, reduction in supply from the source countries and interdiction efforts each being given their proper emphasis.

Thank you, Mr. Chairman, I would be glad to respond to any questions which you may have.

STATEMENT OF MAJ. GEN. DONALD OWENS

Senator DECONCINI. You may proceed, General Owens.

Mr. OWENS. Senator DeConcini, I would like to thank you for the opportunity to speak on behalf of the State of Arizona. What we have been doing in support of the drug program since 1973 is that the Arizona National Guard has provided support on about 34 different enforcement missions. That totals to about 5,000 man-days in support of U.S. Customs, the Drug Enforcement Administration, the Arizona Department of Public Safety, and various county sheriffs.

We've been involved in missions of eradication, that is: observation, spotting, and reporting by aircraft crews; transportation of drug enforcement personnel to suspect areas; and removal of confiscated contraband by vehicle and/or aircraft.

With regard to interdiction, we have provided personnel to observe suspect crossing areas along the Arizona/Mexico border; we provided ground-based radar with crews for detection along the Arizona/Mexico border; and we provided observation aircraft crews to support ground-based radar.

The Arizona National Guard has two light medium truck companies which could be used to transport confiscated contraband to designated areas. We have 350 military police personnel that could,

and have been used, to assist U.S. Customs in their searches of trucks, trailers, and cargo containers at Arizona ports of entry.

Our fiscal year 1990 Arizona National Guard drug enforcement support plan contains requests from the U.S. Customs Service and Drug Enforcement Administration, Phoenix Division. The requests ask the National Guard to provide military police and supply support personnel to conduct sustained cargo search operations at commercial ports of entry along the Arizona/Mexico border from October 1989 to September 1990.

The support plan also contains support requested by the DEA to assist in the Arizona marijuana eradication program. This program consists of Arizona Army National Guard personnel and aircraft assisting law enforcement personnel with aerial observation and spotting for marijuana fields. The operations will utilize the UH-1H helicopters to locate fields using law enforcement personnel as spotters and observers.

Our programs for fiscal year 1990 require a total of $2.1 million in support of this program, which will consist of 368 flying hours and 15,000 man-days.

As to the review and processing time of our current program, we believe that it takes too long for DOD, the Secretary of Defense, and the Department of Justice to review and process submitted plans. This needs to be reduced to ensure funds are released to the States in a timely manner.

At the present time we are $150,000 into our National Guard operating funds and are unable to obtain reimbursement. As of the 24th of this month we have ceased supporting law enforcement activities with National Guard members in the State of Arizona.

Senator DECONCINI. Excuse me, could you please repeat that?

Mr. OWENS. As of June 24, sir, we have had to cease providing National Guard support to law enforcement activities in the State of Arizona.

Senator DECONCINI. Why is that?

Mr. OWENS. We're out of money, sir. We used $150,000 of our operating funds. The issue is that we're still having difficulty with timely disbursement of the Federal funding.

Senator DECONCINI. Excuse me for interrupting you. Are there any unobligated funds left in the DOD moneys that were set aside for this fiscal year?

Mr. OWENS. It would be difficult to say, but I think an awful lot of money is still available. I think the original National Guard plan called for the utilization of about $12 million of the $40 million. And then there have been supplemental plans submitted, which I believe takes it to the halfway mark; that is my understanding.

Senator DECONCINI. Have you submitted a supplemental request?

Mr. OWENS. Yes, sir, we did.

Senator DECONCINI. So my understanding is that less than 80 percent of the $40 million set aside may have been spent, although some may have been obligated? Are you familiar with those figures at all?

Mr. OWENS. I'm not familiar with the 80-percent figure, Senator DeConcini.

Senator DECONCINI. Are you under the impression that it's all been obligated, the $40 million?

Mr. RONSTADT. No, sir; I don't have that impression.

Senator DECONCINI. That's what prompted you to submit another request?

Mr. OWENS. No, sir; what prompted me too submit the second request was our request for Operation Alliance. It came in after our initial budget had been submitted. We responded with a request, and we now have I think about $800,000, $900,000, or $1 million still requested that we haven't received, and now at this late date we will be unable to use it.

I'd like to point out that one of the problems we foresee is that one Arizona Army National Guard Military Police Company is programmed for deactivation in September 1990. The loss of this unit will decrease our military police capability by 45 percent, and the military police is the primary force used in support of drug interdiction.

We would recommend that the processing time for plans be reduced, by delegating approval authority to the Chief of the National Guard Bureau, and that after the approval of the plans, the Chief of the National Guard Bureau be allowed to release the funds to the States. The funds should be expended over a 2-year process, allowing the law enforcement agencies to get their plans to us, so we can have the money available when they need us on short notice. That concludes my remarks. A copy of my statement has been filed with your office.

PREPARED STATEMENT

Senator DECONCINI. Thank you, Major General. All of the statements will appear in the record. And let me make one comment, Major General, you came back to Washington, I think, about 5 years ago with a plan to involve the military in this drug war when you testified before Mr. English before the House subcommittee with some of your colleagues from other States. I think that is what really began the military involvement.

[The statement follows:]

STATEMENT OF MAJ. GEN. DONALD OWENS

SUPPORT TO DRUG INTERDICTION/ERADICATION OPERATIONS

DRUG PROBLEM ASSESSMENT

Arizona is currently experiencing the impact of an ever increasing volume of drugs, which are available throughout the Western United States. These drugs are entering Arizona, primarily, through the Mexico/Arizona Border Areas. Arizona is currently a pipeline state for high volume drug shipments coming from the Colombian/Mexican Connection. These drugs are imported from Mexico by both land and air smuggling operations. The volume of air traffic is now on the increase and Arizona Department of Public Safety information indicates this trend will continue in the foreseeable future.

ARIZONA NATIONAL GUARD INVOLVEMENT

Since 1983 the Arizona National Guard has provided support to 34 drug enforcement missions. A total of 5235 man days have been expended for drug enforcement support. The Arizona National Guard has supported US Customs, Drug Enforce-

ment Administration, Arizona Department of Public Safety and various County Sheriffs.

POTENTIAL MISSIONS FOR ARIZONA NATIONAL GUARD

ERADICATION—Observation, spotting, and reporting by aircraft crews; Transporting Drug Enforcement Personnel to suspect areas; and Removal of confiscated contraband by vehicle and/or aircraft.

INTERDICTION—Providing personnel to observe suspect crossing areas along AZ/Mexico Border using small teams of short duration; Providing personnel to assist with search efforts at Ports of Entry along AZ/Mexico Border; Providing ground based radar with crews for detection along Arizona/Mexico Border; and Providing observation aircraft with crews to support ground based radar.

OTHER SUPPORT TO DRUG INTERDICTION/ERADICATION OPERATIONS

TRANSPORTATION SUPPORT. The Arizona National Guard has two Light Medium Truck Companies that could be used to transport confiscated marijuana plants to designated areas.

MILITARY POLICE SUPPORT. The Arizona National Guard has 350 Military Police personnel that could, and have been used to assist US Customs in their search efforts of trucks, trailers and cargo containers at Arizona Ports of Entry.

FISCAL YEAR 1990 ARIZONA NATIONAL GUARD DRUG ENFORCEMENT OPERATIONS SUPPORT PLAN

The Arizona National Guard Drug Enforcement Support Plan contains requests from the U.S. Customs Service and Drug Enforcement Administration (DEA), Phoenix Division. The requests ask the Arizona National Guard to provide military police (MP) and supply support personnel to conduct sustained cargo search operations at the commercial ports of entry (POE) along the Arizona/Mexico border during Oct. 89 through Sept. 90.

The support plan also contains support requested by the DEA to assist in the Arizona Marijuana Eradication Program. This program consists of Arizona Army National Guard personnel and aircraft assisting law enforcement personnel with aerial observation and spotting for marijuana fields. The operations will utilize UH-1H helicopters to locate fields using law enforcement personnel as spotters and observers.

The following is a summary of the Arizona National Guard FY 90 Drug Support Plan using special congressional allocation funding, over and above normal training:

1. Eradication Support: Marijuana Eradication Program Support to DEA. (a) Two Missions; (b) Flying hours requested, 160; (c) Man-days required, 190; (d) Funding required, $57,000.

2. Interdiction/Search Support to U.S. Customs. (a) Continuous Sustained mission, 365 days; (b) Flying hours requested, 208; (c) Man-days required 14,900; (d) Funding required, $1,900,000.

3. Special Governor's Drug Education Operation: Guard Against Drugs: $52,000.

4. Administrative/Support Cost: $58,000.

5. Totals: (a) Flying Hours, 368; (b) Man-days required: 15,000; (c) Funding required, $2,100,000.

DRUG ENFORCEMENT SUPPORT PROBLEMS

1. The review and process time by DOD, SECDEF and Department of Justice of submitted plans needs to be reduced to insure funds are released on a timely basis to states.

2. The language of the DOD Drug bill has created excessive wait times and is a cumbersome process. Approval of plans needs to be delegated to a lower level.

3. One Arizona Army National Guard Military Police Company is programmed for de-activation September 1990. The loss of this unit will decrease our military police capabilities by forty-five percent, and the military policeman is the primary skill used in drug support operations.

RECOMMENDED IMPROVEMENTS

1. Reduce process time of plans by delegating approval authority to Chief, National Guard Bureau.

2. Upon approval of plans, allow Chief, National Guard Bureau, to release funds to states.

ARIZONA NATIONAL GUARD DRUG ENFORCEMENT SUPPORT

Year and operation	Number of missions	Number of man-days
1983: Radar Detection (ANG)	1	161
1984: Radar Detection (ANG)	1	161
1985: Ground Based Radar Deployment (ANG)	1	230
1986: Insertion of Department of Public Safety Personnel (ARNG)	2	27
1987:		
DEA Observation/Spotting Training Course	12	45
Operation Autumn Harvest (ANG/ARNG)	1	3,342
Pima County Sheriff Observation/Spotting (ARNG)	1	9
1988:		
DEA Observation/Spotting Training Course (ANG/ARNG)	12	27
Operation FLETE-US Customs (ARNG)	1	839
1989: Operation Buscar-US Customs (ARNG)	2	394

Senator DECONCINI. In this war on drugs it's taken a long time to come this far down the road. I would like to go back to this $40 million that has been set aside. First of all, just for the record, the moneys you receive from that so far has only been in the thousands?

Mr. OWENS. We received $183,000.

Senator DECONCINI. $183,000. That's only a portion of the total amount that you have spent; would you estimate for the effort on drugs at about $180,000 in Arizona?

Mr. OWENS. That's just a little more than half, sir. We are $150,000 into our budget again.

Senator DECONCINI. You're going to spend that no matter what. You're going to spend a certain amount of your own budget, regardless of what you get from DOD?

Mr. OWENS. Yes, sir.

Senator DECONCINI. I just want the record to show the Arizona National Guard is committed to helping in the war on drugs whether or not you get the DOD drug money, is that right?

Mr. OWENS. We've done that, Senator.

Senator DECONCINI. Every year?

Mr. OWENS. Since 1982.

Senator DECONCINI. Now, the fund that is set aside, the $40 million, you only received $145,000?

Mr. OWENS. Our original request was for about $205,000, and we received about $183,000.

Senator DECONCINI. You've actually received that amount and have you spent that amount?

Mr. OWENS. We spent that and $150,000 more.

Senator DECONCINI. Have you made a supplemental request?

Mr. OWENS. We have a supplemental request that went in sometime ago for $99,000.

Senator DECONCINI. For this year.

Mr. OWENS. Yes, sir; and that was based on the fact that we would be able to use, hopefully, some military police from other States, so that's what that funding was for. As I mentioned earlier, one of the military police companies will be deactivated in September of next year, which will reduce the capability by about 45 percent.

Senator DECONCINI. Your request has not been denied or you're just waiting for an answer, is that correct?

Mr. OWENS. Yes, sir.

Senator DECONCINI. Because I'm advised that there is close to $39 million that has not been spent out of that fund, so there's a lot of money there, even though there have been announcements that a great deal of funds have been allocated to different units. Do you know, I realize you don't run that Defense program back in Washington, but do you have any information on why the funds have not been disbursed?

Mr. OWENS. Well, it's a very cumbersome process, Senator. The State develops its plans and then they are approved by the Governor; the plans are then submitted to the National Guard Bureau. After they are reviewed by the Chief of the National Guard Bureau and approved, then they go to the Secretary of Defense for approval and then to the Department of Justice.

Senator DECONCINI. That leads me to another question from the standpoint of your State plan. If your State plan did not have a major change in it from year to year, do you have any suggestions on how to expedite procedures so you don't have to wait all this time?

Mr. OWENS. Yes; I would recommend that the Chief of the National Guard Bureau be given approval authority to release funds to the States for the war on drugs; this can be done in such a way that if the plans are sent, and they are approved, then the money would be forthcoming in a timely manner.

Senator DECONCINI. Thank you. Mr. Bowen, do you have a comment on this?

Mr. BOWEN. Yes; I'll be going back to the National Guard Bureau during the latter part of the next month, in July. Our recommendation, based on having dealt with five or six States in relation to assisting them with the war on drugs, will be that once the plans are approved, that they should only have to go to the National Guard Bureau; they should not have to go through the whole process. Once a particular type of plan, such as the Guardian Operation, which involved the National Guard and Customs, once a plan like that is approved, even if the plan comes in from another State, then a set of guidelines for that plan should be established, and the National Guard Bureau should be allowed to do it themselves.

Senator DECONCINI. Good idea. We're going to work with you on developing legislation. General Owens, you have had enthusiasm for involvement in the war on drugs, do you still have enthusiasm? Could the National Guard do more if you had the resources and what have you planned for 1990?

Mr. OWENS. We can do it with what we planned for in 1990, Senator. We can do more with different types of units. We don't have an awful lot of units other than our variation and our radar support units, as well as our truck companies that are military police companies and are applicable to what we're doing. We provide support to law enforcement agencies for drug enforcement activities. We can support them by providing transportation with helicopters and with vehicles, and we also have engineering companies that can be of assistance in the law enforcement activities.

Senator DECONCINI. How do you feel about Chief Ronstadt's suggestion that the military show a presence on the border?

Mr. OWENS. I think he said that we should close the border. I don't think that would be an appropriate response on our part. I think that if you want to increase border security, then you should hire more people in the U.S. Border Patrol and in the U.S. Customs Service. The function of the military is to provide land defense of the United States during wartime.

Senator DECONCINI. Is there any reason, General, that you couldn't take on that mission if you were asked to be positioned along the border for a certain period of time?

Mr. OWENS. Yes, sir; we could, if you're asking if that's possible. Yes; we could do that.

Senator DECONCINI. There's nothing that would prohibit anything else. It's a matter of whether or not that was the mission you were directed to do, is that correct?

Mr. OWENS. If we were directed to do that mission we'd have to. However, most of our people are part-time and they have to train for the wartime mission.

Senator DECONCINI. Arizona has one military police company, is that right?

Mr. OWENS. We have two military police companies and a containment organization. However, our military police capabilities will be reduced by about 45 percent, when we lose one company in September 1990.

Senator DECONCINI. Thank you very much, General.

Mr. Bowen, how much has the administration budgeted for Operation Alliance this fiscal year? How does it compare to the last fiscal year?

Mr. BOWEN. Operation Alliance is an entity which has no budget.

Senator DECONCINI. I thought you got money from each Federal agency, is that correct?

Mr. BOWEN. Each individual agency.

Senator DECONCINI. From the Justice Department?

Mr. BOWEN. Each individual agency that participates in Operation Alliance has a budget that they use for it. For example, Border Patrol has budgeted $3 million for it this year.

Senator DECONCINI. Where did those funds come from?

Mr. BOWEN. Out of the Border Patrol budget. The U.S. Customs Service provides a budget for the Customs Service operation and the Drug Enforcement Administration supports Alliance whether or not funds have been budgeted for it.

Senator DECONCINI. And have these agencies provided funds for next year?

Mr. BOWEN. The funding for next year has not been identified.

Senator DECONCINI. The funding has not been identified? When you say Border Patrol, do you mean the INS budget?

Mr. DUPNIK. Yes.

Senator DECONCINI. You don't know if they're going to participate or you haven't seen next year's budget?

Mr. BOWEN. I don't know what the dollar amount is, but they will do it.

Senator DECONCINI. You get no direct funding from the Justice Department or from anybody else?

Mr. BOWEN. No.

Senator DECONCINI. It always comes through these other agencies?

Mr. BOWEN. Yes.

Senator DECONCINI. What areas, Mr. Bowen, do you consider to be the major smuggling routes along the border? And, what are the primary routes and the primary method of smuggling today?

Mr. BOWEN. Today the three primary areas of smuggling would be south Texas, the Laredo, Brownsville, and El Paso area, and the Tucson, Douglas, and Nogales areas of Arizona. Based on the statistics we're seeing this fiscal year, I would have to say smuggling on land, predominantly across the border.

Senator DECONCINI. Has that substantially increased?

Mr. BOWEN. Yes.

Senator DECONCINI. How about over the last year or the last several years?

Mr. BOWEN. Yes; as an example, Border Patrol surpassed last year's statistics in 6 months, and the Customs Service is ahead of last year also. State and local agencies are all ahead of last year.

Senator DECONCINI. For the record, do you know those figures? I can ask these gentlemen. I wonder if you know what the figures were last year for Customs and Border Patrol, and what they confiscated this year from the Tucson sector.

Mr. BOWEN. From the Tucson sector? I don't know.

Senator DECONCINI. Or for all Operation Alliances.

Mr. BOWEN. All Operation Alliances seized about 33,000 pounds of marijuana and about 30,000 pounds of cocaine. This year through May, 520,000 pounds of cocaine and about 30,000 pounds of marijuana have been seized.

Senator DECONCINI. Does that make this the No. 1 or No. 2 area for confiscation in the country?

Mr. BOWEN. This particular portion of Arizona alternates with south Texas for being No. 1 or No. 2.

Senator DECONCINI. So the No. 1 or No. 2 is in Operation Alliance on the Southwest border?

Mr. BOWEN. Yes; depends on who had the last seizure of cocaine, basically.

Senator DECONCINI. Thank you. Mr. McDermott, in your area—I see that Jerry Young is here—maybe he can give us a quick answer or you can. The Fort Huachuca aerostat balloon, can you give us an update on where it is and when it will be operative?

Mr. MCDERMOTT. I think Jerry Young would be able to answer that.

Senator DECONCINI. Welcome. Has it recuperated, Mr. Young?

Mr. YOUNG. Thank you, Senator. The Fort Huachuca aerostat is well on its way to recovery. The contractor's report shows that it will be ready to be shipped back to Arizona on the 1st of July. By about the 2d we should be able to start installing it, and it will be flying by the 14th.

Senator DECONCINI. Do you know what the total damage was from a cost viewpoint?

Mr. YOUNG. The total damage at this point, which we are arguing contractor to contractor, looks like about $1 million to $1.5 million.

Senator DECONCINI. Up until the recent windstorm or whatever it was, what was the percentage of time that the aerostat was up?

Mr. YOUNG. Since June of last year it's been up about 65 percent of the time.

Senator DECONCINI. Is the greatest percentage of downtime due to maintenance, or weather?

Mr. YOUNG. It's a little lower, 75 percent of the time it's down due to weather.

Senator DECONCINI. And am I correct in saying that the aerostat in New Mexico has been operational about 75 percent of the time?

Mr. YOUNG. That's correct.

Senator DECONCINI. What factors account for it being in the air more than the Fort Huachuca balloon, is there any explanation?

Mr. YOUNG. It is a much more hostile area. It's at the tail end of the Rocky Mountains. Also, Fort Huachuca's average is based on a total year. Fort Huachuca has been through the monsoon season, the bad weather. The Deming aerostat still has not had to factor in the bad weather.

Senator DECONCINI. When will the one in Yuma be ready?

Mr. YOUNG. Yuma is operational already.

Senator DECONCINI. It's operational or just testing?

Mr. YOUNG. Operational.

Senator DECONCINI. When did that become operational?

Mr. YOUNG. Early this month.

Senator DECONCINI. And what's its percentage, do you know?

Mr. YOUNG. It's actually ahead of Yuma at this time; it's about 82 percent.

Senator DECONCINI. Ahead of Fort Huachuca?

Mr. YOUNG. Both Deming and Fort Huachuca.

Senator DECONCINI. Both Deming and Fort Huachuca. Thank you.

Mr. YOUNG. Yes, sir.

Senator DECONCINI. Thank you, Mr. Young.

Mr. McDermott, I see automatic weapons there. Can you give us any history on the weapons confiscated by Customs in the drug area?

Mr. MCDERMOTT. Yes, Senator; it's unusual for us to be involved in a drug raid today and not run across these types of weapons, many of which are before you today. The ones with the large bayonets on them I consider to be antipersonnel-type weapons, the kind used against our troops in Vietnam. The same weapons are being used in the war on drugs, and we are doing everything possible to keep these weapons out of the hands of drug dealers.

We are doing random stops at the border, working in conjunction with the Bureau of Alcohol, Tobacco and Firearms. We are targeting individuals who are supplying drug dealers in Mexico with the sorts of weapons you see before you today.

Senator DECONCINI. What's the most popular one you take off the streets in your drug-related encounters?

Mr. MCDERMOTT. Without question, the AK-47 is the most popular; it's the weapon of choice. I agree with Chief Ronstadt's description of it, it's in plentiful supply.

Senator DECONCINI. In your opinion, is that a military weapon?

Mr. OGDEN. Yes; this weapon was designed for guerrilla warfare.

Senator DECONCINI. It was built for military purposes?

Mr. MCDERMOTT. It was built by the Russians.

Senator DECONCINI. By the Russians and the Chinese?

Mr. MCDERMOTT. Then the Chinese made copies.

Senator DECONCINI. Is that true of the Uzi machinegun?

Mr. MCDERMOTT. It's an assault-type weapon. It has a large fire power. We're running across those as well.

Senator DECONCINI. Mr. McDermott, do you believe there's a direct correlation between the increase of drugs coming across on the ground, as Mr. Bowen says, and the Air Interdiction Program? How do you substantiate that correlation?

Mr. MCDERMOTT. The best way?

Senator DECONCINI. I mean air interdiction.

Mr. MCDERMOTT. As to air interdiction, the best way to describe it is that the pressure of the aerostat balloons and the Air Interdiction Program, we feel, without question forces smuggling onto the ground. The smuggling statistics on the ground are up. These are organizations which would normally bring these large loads across by air.

The simplest way to go from point A to point B is by aircraft, and we're forcing them into backpacking it across the desert, storing it in stash houses, and moving it across State lines in other concealed compartments.

We've also had examples of air smugglers coming up from the inland part of Mexico and deliberately bypassing the aerostat balloon, actually having a map describing how they can bypass the balloon. One particular case took place about 2 months ago, the smuggler landed in Santa Barbara with 1,100 pounds of cocaine. So, yes; we feel that the air program has had a definite impact by forcing the smuggling onto the ground, and I think that was the intent of the program. We can handle them better on the ground.

Senator DECONCINI. Also, can you give us the time schedule for the installation of the rest of the Southwest border aerostats?

Mr. OGDEN. I don't have any figures, sir, possibly Jerry Young does.

Senator DECONCINI. Do you know offhand, or maybe you can supply that for the record?

Mr. YOUNG. No; the Marfa balloon is going back to the station in August.

Senator DECONCINI. Where is that one located?

Mr. YOUNG. Texas; and the last aerostat will be up, I believe in March or May.

Senator DECONCINI. Where is that?

Mr. YOUNG. I don't know.

Senator DECONCINI. Is that in Rio Grande city?

Mr. YOUNG. Yes, sir.

Senator DECONCINI. Those are all funded?

Mr. YOUNG. Yes, sir.

Senator DECONCINI. The one that is not funded will be the one in Great Inagua in the Bahamas?

Mr. YOUNG. Yes, sir.

Senator DECONCINI. OK. Mr. McDermott, what about equipment-related needs? Before I get to that, besides the aerostat radar bal-

loons you also have P-3 AEW airplanes. What other surveillance assets do you have?

Mr. McDERMOTT. Again, I think I best yield the microphone to Jerry Young. He can describe it.

Mr. YOUNG. The aerostat is the No. 1; the mobile is the P-3 surveillance aircraft.

Senator DECONCINI. We have those two on the Southwest border?

Mr. YOUNG. Right now it's in Corpus Christi, TX.

Senator DECONCINI. And are they available to the Southwest border?

Mr. YOUNG. The aerostat went down. We deployed one of them to Arizona. We've been deploying it out of Arizona to plug the gap.

Senator DECONCINI. Was there gap coverage during the absence of the aerostat?

Mr. YOUNG. Yes.

Senator DECONCINI. How many P-3's do we have?

Mr. YOUNG. Two modified with the airborne radar, the AEW.

Senator DECONCINI. And the third one is due when?

Mr. YOUNG. I don't have that timeframe.

Senator DECONCINI. When it's funded?

Mr. YOUNG. When it's funded.

Senator DECONCINI. OK. Along that line, I understand that Customs is presently using its Blackhawk helicopters to support on-the-ground investigations. These are very expensive assets. I'm told in Washington by Mr. Rosenblatt that he is seeking 20 UH-1H helicopters from DOD to support ground interdiction missions. Mr. Young, can you answer that? Is DOD planning to turn over these assets to Customs and if so, how many of these helicopters would be acquired for use in Arizona, and for that matter, along the Southwest border?

Mr. YOUNG. I think right now all of them are destined to go to the Southwest border. The first 10 are going to the Southwest border. Presently I've got two of them assigned to Arizona. I'm fighting for the third.

Senator DECONCINI. And when do you think you'll get those?

Mr. YOUNG. I don't have a timeframe on that. DOD has been very supportive. It looks like it's coming on fairly fast.

Senator DECONCINI. Mr. McDermott, this is the last question. Since the change of administration in Mexico, do you see any greater cooperative effort at all along the border or any increased cooperation between your agency and Mexico?

Mr. McDERMOTT. Well, Mr. Chairman, we have seen an increase of reported activity by the Mexican Government, several significant seizures of cocaine, several significant weapons seizures. However, as far as cooperation across the border, I haven't seen an increase in cooperation.

An example occurred last week. There was a drug raid in Mexico, where Mexican officials seized 100 Uzis. We attempted to get the serial numbers of those Uzis. Let me clarify the fact that they were seized and we wanted to start our investigation to go after the people responsible for the exportation. When we went down and met with the Mexicans, they told us that it was not a seizure of Uzis, it wasn't 100 Uzis, it was 25 sporting rifles and they weren't available for our inspection. However, before, we had es-

tablished with the Mexican officials that we could come down and ascertain the serial numbers in order to begin our investigation. There are a number of situations like that that take place all along the border. That one just happens to have taken place last week.

Senator DECONCINI. Were you here when Sheriff Dupnik gave the example of the attempted effort to assist the Mexican police who were loading up two trucks and were called off? I think he said Customs was involved in that incident.

Mr. MCDERMOTT. Yes; I was involved in that.

Senator DECONCINI. Do you know why that was called off?

Mr. MCDERMOTT. It was called off initially because the Mexicans said they did not want any U.S. air support to participate in the investigation, that they did not want U.S. Customs to participate in the investigation. They were attempting to decide whether or not DEA was going to be allowed to go on the raids. The timeframe was about a 3-day delay before they went in and conducted those raids, and no U.S. officials were present during that raid.

Senator DECONCINI. I guess the question should be asked of DEA, if they were involved.

Mr. MCDERMOTT. It was to be DEA during the negotiations with the Mexicans but no U.S. agent was present during the raid.

Senator DECONCINI. Is there any evidence to think the Mexicans took off with that or confiscated the drugs?

Mr. MCDERMOTT. It was reported back to us that there was nothing found at the location.

Senator DECONCINI. Mr. Bowen, do you have any relations with the Mexican police authorities through Operation Alliance?

Mr. BOWEN. We have negotiated with the Attorney General's Office in Mexico.

Senator DECONCINI. Do you discuss these types of incidents where there's no cooperation and evidence that there's drugs and a willingness of American agencies to participate?

Mr. BOWEN. The discussions don't last long enough when you start talking about putting something like that together. Most of the effort that is apparent in Mexico right now is purely internal. There does not appear to be, anywhere on the border, any change in the level of cooperation.

Senator DECONCINI. You say it is business as usual.

Mr. BOWEN. It's personality oriented, in some areas they get along, but it's personality oriented.

Senator DECONCINI. Do you agree that it's business as usual? Do you agree that there's been no apparent change, Mr. McDermott?

Mr. MCDERMOTT. I agree; the only change that we have seen, and again it's basically reading the newspapers down there, is that they do seem to be making some tremendous drug raids down there.

Senator DECONCINI. Mr. Dowdy, do you concur in your operations with the Mexicans?

Mr. DOWDY. Yes, I do, Senator. I also read the newspapers, but we haven't experienced an increase.

Senator DECONCINI. Mr. Dowdy, the staff level for the Border Patrol in the Tucson sector, is it at full complement now?

Mr. DOWDY. No, Senator, we are not.

Senator DECONCINI. How many are you short?

Mr. DOWDY. Approximately 55 positions.

Senator DECONCINI. How long has that been?

Mr. DOWDY. Currently, Senator, we have approximately 74 of the newly authorized positions, but have hired 125.

Senator DECONCINI. How many were you short?

Mr. DOWDY. 125. We have 74 of those on duty.

Senator DECONCINI. Are they on duty, or still in training?

Mr. DOWDY. Those are back from the academy, some are still in the training year but are back to duty stations.

Senator DECONCINI. The 55 that you are short, are they in training or are the positions just not filled?

Mr. DOWDY. At the current time we have no trainees at the academy.

Senator DECONCINI. Do you know why you haven't been given those people?

Mr. DOWDY. No; I do not, Senator. As I stated earlier, we had hired approximately 100 and some of those are out.

Senator DECONCINI. Have you been told by headquarters not to hire the 55?

Mr. DOWDY. Hiring is not done on a legal basis. It's done through our nationwide recruitment effort, through the central location.

Senator DECONCINI. Are they being hired? Do you know?

Mr. DOWDY. To the best of my knowledge, they not.

Senator DECONCINI. Do you know why not?

Mr. DOWDY. No, Senator; I do not.

Senator DECONCINI. And what are your equipment needs? Are you authorized or are you at the full authorization for increased equipment needs for your personnel?

Mr. DOWDY. We have not received all of the resources we need should we be staffed up.

Senator DECONCINI. Would you supply to us, for the record, what equipment you do not have that has been authorized?

Mr. DOWDY. It is mostly vehicles at the current time.

Senator DECONCINI. Mostly vehicles?

Mr. DOWDY. Mostly vehicles, as I stated. If we were staffed up we would not have sufficient walkie-talkies, mobile radios, and so on.

Senator DECONCINI. you have no voice privacy systems, is that right?

Mr. DOWDY. We have none in the sector.

Senator DECONCINI. Do you have any plans to receive these radios or do you know if they are to be available soon?

Mr. DOWDY. We have a request pending in the central office. It's my understanding that they're in the contract or procurement phase.

Senator DECONCINI. So the equipment is coming?

Mr. DOWDY. Yes, Senator; we believe it is.

Senator DECONCINI. Do you know when it's going to be delivered?

Mr. DOWDY. I do not have estimated or anticipated an arrival date.

Senator DECONCINI. Do you receive additional funds from the INS for the Operation Alliance drug efforts? From the normal Border Patrol budget, do you get some additional moneys from the INS?

Mr. DOWDY. Yes, Senator; at the beginning of the year when we submit our budget request we include those expenses that we would need to support Operation Alliance task forces.

Senator DECONCINI. Has that been approved for next year? Do you know?

Mr. DOWDY. I have no funding figures for next year, but I have every reason to believe that they will continue to fund it.

Senator DECONCINI. Have you made the request?

Mr. DOWDY. Yes, Senator.

Senator DECONCINI. Mr. Dowdy, let me ask you the same question regarding the Air Interdiction Program and confiscations on the ground. They seem to be up substantially. Is there a correlation between the two?

Mr. DOWDY. It's a little early to tell, but I would say that through the third quarter of this fiscal year, our ground interdiction with regard to cocaine is up approximately 30 percent over what it was for the full fiscal year last year. For marijuana, through the third quarter it is up approximately 50 percent more. This is the first year that we've had the aerostat in place. Historically, we've had an extremely busy first quarter for narcotics interdiction and then as they continue they're substantially less than the first quarter. We have had no production during the second and third quarters.

Senator DECONCINI. Nobody can prove that it's the Air Interdiction Program, but do you think it might be? How would you put it in your words?

Mr. DOWDY. In my words, Senator, I'd say that is a theory that would be very difficult to dispute, and I make no attempt to dispute it.

Senator DECONCINI. Regarding the evidence you heard here from local law enforcement about the cooperation—and I have seen your operations down in Yuma—how do you equate cooperation today versus some years ago? Is it substantially better on the local level with Federal agents?

Mr. DOWDY. Yes, sir; I think the actual cooperation and the even change of meaningful intelligence information has improved substantially.

Senator DECONCINI. And finally, Mr. Dowdy, when your officers seized 2,500 pounds of cocaine about 2 weeks ago, traffickers were able to get away, but I believe your officers recovered a case of Mac 10 machineguns; is that correct?

Mr. DOWDY. Yes, Senator; that's correct. In addition, our officers observed persons carrying what they believed to be some machineguns as they left the scene.

Senator DECONCINI. And this is a different environment that you're operating in than the one you were in 5 years ago when you were up against drugs.

Mr. DOWDY. In the last 2 or 3 years the number of armed encounters between our agents and drug smugglers has increased dramatically.

Senator DECONCINI. How many times in the last year have your agents been fired upon?

Mr. DOWDY. At least seven, that I can recall.

Senator DECONCINI. Of those fights, were there semiautomatic weapons being used?

Mr. DOWDY. We've had in one case the morning following a shooting, an accounting of approximately 118 rounds that had been fired in a single fire fight from both sides. Many of the expended rounds that were picked up at the scene were from what was believed to be an AK-47-type weapon.

Senator DECONCINI. So these weapons here represent what you're coming across in your investigations?

Mr. DOWDY. Yes; they do. We've had a tremendous increase in our encountering semiautomatic pistols with a high magazine capacity, the full gamut of Mac 10's.

Senator DECONCINI. Are your agents armed with semiautomatics?

Mr. DOWDY. Yes; and in some cases our special agents are armed with full automatics now.

Senator DECONCINI. How about you, Mr. McDermott, is that true?

Mr. MCDERMOTT. Yes; we just went to a new weapons system and our agents working the border are appropriately armed.

Senator DECONCINI. Those of you gentlemen the front line here dealing with these drug-related incidents of heavily armed drug dealers, are our agents equipped with comparable or better fire power? Mr. McDermott.

Mr. MCDERMOTT. That is a difficult question to ask. For example, you'll see on the table here, some RPG rockets that a drug organization was attempting to acquire. They were also attempting to acquire a fully equipped combat helicopter. I think we can go to a certain extent in protecting our people but I think their lives are still going to be on the line every day. They're dealing with people who are going to take hostile action, and we're dealing with law enforcement people who have to make judgments before they use their weapons.

Senator DECONCINI. Do you have the necessary weapons that you think your people need today?

Mr. MCDERMOTT. Yes; I think under the new weapons program we have adequate weapons systems.

Senator DECONCINI. How about you, Mr. Dowdy?

Mr. DOWDY. First, I would like to agree with Mr. McDermott. We have rules that other people do not have. I'm not implying that should be changed but it's a fact of life. I'm satisfied with the weapons that we have in this sector that are available to our agents. However, one of the facts, if you will, of the law enforcement activities carried out by our agents is that, as I pointed out earlier, they spend a great deal of time apprehending illegal aliens.

Our officers can carry weapons as they feel is appropriate based on their area of assignment, whether or not they're one of our special teams, but frequently during a shift they leave their vehicles to deal with the general public who are not suspects in narcotics-related crimes. Frequently they deal with, for example, a group of men, women, and children that jump out of a vehicle and are all over the place. What I'm trying to say is, it's not uncommon. Although we have adequate weapons, it's going to be very lucky when our officers jump out and encounter heavily armed drug smugglers

that our officers have those weapons in the right place and at the right time because of the nature of our duties when we're working specific information.

Senator DECONCINI. With all the confiscated weapons you have, Mr. McDermott, there's no prohibition in you using those, correct?

Mr. MCDERMOTT. That's correct. However, I think that the weapons that the Customs Service has are superior to some of the weapons that are displayed before you today.

Senator DECONCINI. What do you do with all those confiscated weapons?

Mr. MCDERMOTT. These weapons will be held and eventually destroyed.

Senator DECONCINI. Are they made available to other law enforcement agencies?

Mr. MCDERMOTT. Yes, they are.

Senator DECONCINI. Including local, if they can they make application for those guns?

Mr. MCDERMOTT. Yes; they currently can.

Senator DECONCINI. Gentlemen, thank you very much. We appreciate your testimony. We'll take a 10-minute recess and then we will finish with the third panel.

[A brief recess was taken.]

[PANEL 3]

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

STATEMENT OF DAVID S. WOOD, SPECIAL AGENT IN CHARGE, ARIZONA

FEDERAL BUREAU OF INVESTIGATION

STATEMENT OF HERBERT H. HAWKINS, JR., SPECIAL AGENT IN CHARGE, ARIZONA

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

STATEMENT OF MICHAEL HUCKABY, SPECIAL AGENT IN CHARGE, LOS ANGELES

INTRODUCTION OF WITNESSES

Senator DECONCINI. I'd like to call the committee to order, please. The next panel of witnesses will be David Wood, Drug Enforcement Administration; Michael Huckaby, Special Agent in Charge in Los Angeles for the Bureau of Alcohol, Tobacco and Firearms; and Herbert Hawkins, Special Agent in Charge in Arizona for the Federal Bureau of Investigation.

Welcome, Mr. Wood. Your full statement will be presented in the record. If you would please summarize that for me.

STATEMENT OF DAVID WOOD

Mr. WOOD. Thank you, Senator, very much. It is a pleasure to be here today to represent the Drug Enforcement Administration as you examine narcotics enforcement strategy and efforts in the State of Arizona. I have prepared a statement which has been provided to you and I ask that it be included in the record.

Senator DECONCINI. Without objection, it is so ordered.

Mr. WOOD. I have prepared an abbreviated opening statement that I would like to submit. However, before I start, Senator, I would like to thank you publicly for your efforts and for the efforts of Tim Carlsgaard of your staff, which were most instrumental in securing the Antidrug Abuse Act of 1988. It is our belief that this legislation will greatly assist us in our law enforcement efforts and I thank you on behalf of DEA.

Senator DECONCINI. Thank you.

Mr. WOOD. I am a Special Agent in Charge of DEA's Phoenix Field Division, one of 19 such DEA divisions across the country. Our Field Division consists of offices in Phoenix, Tucson, Nogales, Yuma, and a temporary post of duty in Sierra Vista; DEA responsi-

bility includes investigating illicit drug violations that have statewide, national, and international involvement. Further, we have a responsibility to work with State and local agencies to assist them in meeting their enforcement mandates. We accomplish this by working shoulder to shoulder with these agencies on drug investigations, by providing drug intelligence, thus allowing them to conduct unilateral drug investigations, and by providing training and related investigative techniques.

From October 1, 1988, to the present, approximately 750 officers and agents have attended workshops and seminars hosted by our division. DEA has a second enforcement responsibility that involves the regulation of the legitimate industry, such as doctors, pharmacies, and drug wholesalers to ensure that such drugs are not diverted into the illicit market. This involves assuring record-keeping requirements are adhered to, conducting audits of legitimate businesses, and at times conducting an investigation into the illegal activities of the legitimate business.

We at DEA understand the concept of increasing enforcement efforts by combining resources, and as a result DEA is a participant in State and local task forces in Yuma, Nogales, and Sierra Vista. In addition, DEA houses and funds formal task forces in Phoenix and Tucson. These latter task forces are made up of DEA and representatives from the various State and local agencies within the respective areas.

Further, in Phoenix DEA is a participant in an enforcement task force with the police department and in a crack task force.

The Asset Removal Team, consisting of representatives of the DPS, Scottsdale Police Department, Peoria Police Department, Phoenix Police Department, and the Office of the Attorney General, is operational in the DEA office in Phoenix. The intent of this group is to exploit the seizure of traffic or assets identified in criminal investigations. In fiscal year 1989 the Phoenix Division seized in excess of $1 million in traffickers' assets, an increase of 233 percent over fiscal year 1987.

From January 1, 1989, to the present, DEA in Arizona has returned $2,800,000 in forfeited moneys and a number of forfeited vehicles to State and local agencies. We also participated in an investigation with the U.S. Customs Service that resulted in the sharing of an additional $2,350,000 with State and local authorities in southeast Arizona.

DEA maintains a very active demand reduction program aimed at reducing the demand for drugs. We are a participant in a Maricopa County demand reduction program which combines the elements of enforcement, prosecution, treatment, and rehabilitation in an attempt to reduce the abuse of drugs within the community. At this very moment DEA Administrator John Lawn is in Phoenix addressing the annual meeting of the National High School Athletic Coaches Conference, stressing the importance of keeping our youth drug free.

I could continue discussing the many and various programs DEA is involved with, but I suspect I'm close to using up my 5 minutes. Accordingly, in order to be more fully responsive to the areas of continuing interest to you, I would be pleased now to answer any questions you might have.

PREPARED STATEMENT

Senator DECONCINI. Thank you, Mr. Wood. I'm going to go ahead and listen to the rest of them and then come back to some questions I do have.

STATEMENT OF DAVID S. WOOD

Chairman DeConcini and Members of the Subcommittee on Treasury, Postal Service and General Government of the Senate Committee on Appropriations: It is a pleasure to be here today to represent the Drug Enforcement Administration as you examine narcotics enforcement strategy and efforts in the State of Arizona. I am the Special Agent in Charge of DEA's Phoenix Field Division, one of nineteen such DEA divisions across the country. Our field division consists of offices in Phoenix, Tucson, Nogales, Yuma, and a temporary post in Sierra Vista.

To fully understand the scope of the illicit drug trafficking situation in Arizona, it is important to emphasize the state's terrain and geographic location. Arizona's 375 miles of common border with Mexico includes desert plains, mountain ranges, river beds, and Indian reservations. The State of Sonora, Mexico is across the border from Arizona. It is an area which has been identified as a primary "staging area" or "source area" for the exportation of Mexican and South American produced drugs into the United States. Major Mexican and Colombian drug trafficking cartels have been identified as utilizing this area to funnel quantities of marijuana, cocaine, and heroin into Arizona for further distribution to other United States markets. Put simply, Arizona's terrain affords traffickers the opportunity to randomly smuggle illicit drugs both by land and air.

Intelligence developed by law enforcement agencies along the border has shown that a frequent means of smuggling is the utilization of "mules"—better described as human couriers "back packing" illicit drugs across the border. This method of operation has resulted in such a significant volume of drugs being smuggled into the United States that seizures are frequently made without arrest because the couriers merely abandon their "back packs" and flee back into Mexico at the first indication of detection. There are further alarming indications that the recruitment of these couriers is openly being conducted to include teenagers on both sides of the border.

At this time, I would like to give a brief description of drug trafficking trends in Arizona.

The majority of heroin distributed in Arizona originates in and is transported directly from Mexico. Most of this heroin is the Mexican "black tar" type, with purity levels averaging approximately 50 percent at the retail level. Arizona also remains a primary transshipment point for Mexican heroin destined for California and other western U.S. markets.

Cocaine originating in South America is routed through Mexico and then across the United States border. Two weeks ago, three cocaine seizures were made in southern Arizona totaling over 3,400 pounds. We anticipate that cocaine seizures and trafficking attempts will continue to increase.

Seventy-five percent of all marijuana available for consumption in the United States is produced from foreign sources, principally Colombia and Mexico. Repeatedly, the remoteness of the Arizona terrain is being exploited by marijuana smuggling organizations, and this is expected to continue and possibly to increase.

The illegal manufacture of dangerous drugs is also a problem in Arizona. In fiscal year 1988, a total of 21 clandestine laboratories were seized in the state, 18 of which were manufacturing methamphetamine.

Now that I've outlined the situation, I would like to detail our efforts to combat the illicit drug problem in the State of Arizona.

DEA works with and shares investigative information with the Federal Bureau of Investigation, the U.S. Customs Service, the Immigration and Naturalization Service, and the Internal Revenue Service. Our Phoenix Field Division has an Intelligence Unit which is intended to be the central repository of drug trafficking intelligence for Arizona. This intelligence is collected worldwide through the auspices of various DEA offices and is then funneled to Arizona to be used in the local drug law enforcement effort.

In addition to the responsibility for the collection, analysis, and dissemination of all information involving narcotic and dangerous drugs relating to the State of Arizona, our Intelligence Unit is involved in specific investigative support operations. One such undercover operation is yielding information regarding Mexican and Colombian drug networks. This information is being coordinated directly with the na-

tional multi-agency repository for such drug trafficking information the El Paso Intelligence Center.

Presently included in our division are permanently assigned state and local officers to assist in our investigative and intelligence gathering efforts. We also have two formal state and local task forces—based in Phoenix and Tucson—designed to disrupt illicit drug trafficking and to immobilize targeted violators and their organizations. These formal task forces enhance the gathering of information of our Intelligence Unit. In addition, DEA has joined forces with the Phoenix area police departments to form an informal crack task force for the purpose of immobilizing crack cocaine networks.

Due to the limited number of personnel available in all law enforcement agencies in Yuma, Nogales, and Sierra Vista, informal task forces have been developed to consolidate law enforcement activities in these areas. DEA actively participates in these task force efforts.

Our Phoenix Field Office also has an Asset Removal Team which consists of representatives of the Arizona Department of Public Safety, the Scottsdale, Peoria, and Phoenix Police Departments, the Office of the Arizona Attorney General, and DEA. This joint initiative is involved in the identification of drug trafficking assets which are subsequently seized and forfeited according to federal and state law. A portion of these seized/forfeited assets or their dollar value are then returned, under federal sharing guidelines, to the respective budgets of the participating enforcement agencies to enhance the drug law enforcement effort.

From January 1, 1989, to the present, DEA has returned $2,852,461.44 in forfeited monies and a number of forfeited vehicles to state and local agencies. We also participated in an investigation with the U.S. Customs Service that resulted in the sharing of an additional $2,350,000 with state and local authorities in southeast Arizona.

Our Marijuana Eradication Program has realized significant successes here in Arizona. During the last eradication campaign—from January through October 1988—59,000 sinsemilla marijuana plants were destroyed. This year, the Arizona National Guard and the Arizona Civil Air Patrol have added their support to this program, and are joining the existing commitments of the state and local authorities and DEA in a campaign to decrease domestic cannabis cultivation. We welcome their participation. The increasingly sophisticated methods of cannabis cultivation, including attempts to camouflage the plants, necessitates the coordination and resulting cooperation of all enforcement agencies within the state.

DEA also maintains a very active training program for other federal, state, and local personnel in an effort to improve investigative techniques and to maximize the enforcement effort within Arizona. Our training program covers a variety of subjects ranging from basic drug identification to clandestine laboratory investigative techniques. Additionally, the training effort includes coordinating numerous law enforcement workshop seminars throughout the state. To date, 725 federal, state, and local law enforcement officers have benefited from this training.

Recently, DEA assisted the United States Attorney's Office in hosting a conference entitled "Arizona's D-Day Against Drugs" in which workshops and lectures were presented to approximately 500 federal, state, and local officers and prosecutors.

Thus far, I have detailed the efforts of DEA to reduce the supply of drugs available in Arizona. Let me now briefly discuss our efforts to address the demand side of the problem. At our Phoenix Office, we have a full-time Demand Reduction Coordinator who travels statewide to meet with state and local law enforcement officials. His responsibility is to discuss ways that law enforcement can be of service in promoting efforts aimed at drug abuse prevention and education.

DEA is committed to a strong demand reduction program. We began our efforts in 1984 when we started working with the National High School Athletic Coaches Association and other interested groups in developing and promoting the Sports Drug Awareness Program. Our aim is to enlist 50,000 high school coaches nationwide to channel information and guidance to over six million student-athletes. As a matter of fact, DEA Administrator John Lawn is on this date stressing the importance of keeping youngsters drug-free as he addresses the National High School Athletic Coaches Conference that is meeting in Phoenix this week for its annual convention.

We also have a Professional Sports Drug Awareness Program in which our Demand Reduction Coordinator works closely with teams based wholly or in part in Arizona. Anti-drug presentations are made to the athletes during major league spring training, as well as during the respective pre-seasons for the NFL and NBA Arizona based teams.

Since its inception, the demand reduction program implemented in Maricopa County has been fully endorsed and supported by DEA. This program is a combined enforcement, education, and treatment effort that is designed to assist drug users in eliminating their dependency on drugs. It brings together several different disciplines to focus attention on the drug problem. This effort is serving as a model for other communities throughout the United States, and DEA is acting as the vehicle for the dissemination of the program's information.

In conclusion, I would like to emphasize that DEA, in cooperation with other federal, as well as state and local law enforcement agencies, is continuing to work to maintain a maximum effort aimed at reducing both the supply of and demand for illicit drugs. Drug convictions have increased tremendously. Over 4,700 major violators were convicted last year alone. Drug removals and seizures are higher than they have ever been before. For example, in 1988, marijuana removals in Arizona were up 1,000 percent over the previous year. Yet, despite these achievements in drug seizures, arrests, and convictions, the problem persists.

Law enforcement is, without a doubt, a major component in the effort to reduce drug abuse and drug trafficking in this country. But, we cannot do it alone. To stop the scourge of drugs, there must be a coordinated effort by all disciplines and segments of society. It is my firm belief that only through this total commitment by all citizens are we ever going to be able to turn the corner on the drug problem in this country.

Mr. Chairman, this concludes my statement. I will be pleased to answer any questions you may have.

STATEMENT OF HERBERT HAWKINS

Senator DECONCINI. Mr. Hawkins.

Mr. HAWKINS. Good afternoon, Senator. I am now going to offer my statement and I just want to highlight some things here. I know the last time I appeared before you 2 years ago, one of your main concerns at that point appeared to be the cooperation between Federal law enforcement agencies, amongst themselves and with local law enforcement, both State and city. I want to assure you, of course, that that effort continues, in fact better today than it's been I think at any time in my 20-year career.

The FBI has been involved also in the drug demand reduction program. We have one agent working full time in that program; of course the lead agency is the DEA, and we are on the bandwagon. But our agency does work independently in attempting to bring the educational aspect of the drug problem to the schools and to various specific groups.

We are also working with DEA and particularly the Phoenix Police Department in the new user accountability program. We think that is an excellent approach by local law enforcement to attacking the user on the street. I do not have the figures in front of me, but I can tell you they're astounding as to the number of arrests that have been made just since this program started in the last couple of months. In fact, the counties made money on it, because most of these individuals agree to go to the treatment assessment program, and that program is paid for by this individual and not by the county and not by the State. We find that to be very effective as part of the multifaceted attack on the drug problem; the FBI, DEA, and Customs working on the cartel issue of importation, while the local police are handling the user problem and other levels of drug violations.

Since I last talked to you 2 years ago, the FBI embarked on an idea here in Arizona. We are now conducting and have been, for about the last year and a half, the Mexican police training program. That program has been extremely successful from our point

of view. I know the United States Attorney General has been very happy with it, as well as Mexican officials. We have had far greater cooperation that we've noticed in the last year and a half along the border than we have ever seen before that.

A case in point was the recent slayings in Matamoros, Mexico. The new chief of police was a graduate of our police training program here at Tucson, a 3-day program, and of course he went right to the agent in charge in San Antonio and requested—allowed us to come over and work with him on that investigation. There have been some other examples I could cite that are indicative of what this program has done for us all along the Southwest border.

In fact, as we talk today, there is a program in session right now at the ALETA here in Tucson. We have the chief of the Chihuahua Police Training Academy in attendance. We're expanding that program now so that we have some expertise from the Mexican side.

I pointed out in my statement such things as forensic medicine and legal training by Mexican authorities. The last time we had quite an interesting session with a Mexican judge lecturing to his police officers about how he views Mexican police tactics and testimony. So those areas are all new since I appeared before your committee 2 years ago.

The FBI has also, of course, introduced the Forfeiture Asset Seizure Team [FAST] program. We have two agents and a support person in the FBI office in Phoenix, that's all. Basically, the agents do work, for example, investigative cases, and that has been successful. And as you'll see in the statement, there are dollar amount figures that we pointed out in terms of seizures and assets, forfeitures. That basically concludes my statement. I thank you on behalf of the Director of the FBI for your continued interest.

PREPARED STATEMENT

Senator DECONCINI. Thank you. Mr. Hawkins. I'm interested in the police training you talked about; I didn't know that was going on. I'll get back to you with some questions.

[The statement follows:]

STATEMENT OF HERBERT H. HAWKINS, JR.

Mr. Chairman and distinguished members of the committee, I am pleased to appear before you to again provide testimony concerning the role of the Federal Bureau of Investigation in drug investigations along the Southwest border of the United States.

As you are well aware, the FBI plays an important, integral part with other law enforcement resources in the investigation of major drug traffickers and trafficking organizations who utilize the land areas of the State of Arizona to both transport and distribute their illegal and dangerous drugs.

We have enjoyed an outstanding working relationship with the United States Customs Service and the Drug Enforcement Administration, as well as other Federal, State and local law enforcement entities. We are also participating in the Drug Demand Reduction Program (DDRP) that is presently being implemented in the Maricopa County area. The Phoenix FBI is also involved with the Phoenix Police Department, in an advisory capacity, in their User Accountability Program (UAP). I am attaching the most recent FBI DDRP flyer being distributed nationwide.

Briefly, the UAP targets individuals who are observed by patrol officers using various forms of dangerous drugs. We, who are involved in the DDRP and UAP, feel that these enforcement measures are another means of assaulting drug trafficking at a different level. By placing responsibility on the user as well as the trafficker, a

multifaceted law enforcement attack will have a far greater effect on the overall trafficking problem.

The FBI in Phoenix has achieved some excellent statistical results, particularly with regard to the major trafficking organizations. Although they are too numerous to mention here, one case illustrates that drug trafficking is not confined to the lower-income level of our society or to elements south of the border. Most recently the FBI in Phoenix arrested a dentist operating a well-established dental practice. He had 36 kilos of cocaine in possession, which were seized, as well as other assets, including his automobile and house. His wife was also arrested.

The FBI also established F.A.S.T. (forfeiture asset seizure team). In Phoenix, this team is comprised of two full-time special agents, as well as one full-time clerical person, whose primary function is to coordinate the forfeiture and seizure of assets resulting from drug violation investigations. In fiscal year (FY) 1989, for example, the Phoenix Division has seized 52 assorted property items consisting of weapons, vehicles and residences valued at approximately $700,000. Phoenix has so forfeited and turned over to governmental agencies property values of $1,248,652.00. In regard to the case of the dentist, the possibility of forfeitures of cash and property amount to approximately one-half million dollars just in this single investigation.

These investigations have proven without a doubt that Arizona is a major overland transportation route into the States of New Mexico, Colorado and California. A number of our cases in the last two years have provided ample evidence that large quantities measured in multikilograms have been earmarked for those places I have mentioned, as well as for use in the State of Arizona. In almost every one of these investigative cases, we have worked deliberately and aggressively with the DEA, U.S. Customs Service, and local law enforcement. We have learned quite quickly that we as an individual law enforcement agency working independently, cannot begin to accomplish the large task of investigating narcotics trafficking; but that we must share our resources, continually utilizing Federal, State and local task force concepts in order to broaden cases, thereby adding to the number of subjects and trafficking organizations to be investigated.

Approximately a year and a half ago, the Phoenix Field Division, with concurrence of FBI headquarters and the Department of Justice, embarked upon a Mexican police training program. Mexican Federal and State judicial police officers from each of the Mexican States along the United States/Mexican border are invited to attend each of four sessions of training conducted in Tucson, Arizona. The subject matter includes crime scene preservation, evidence handling, robbery response and report writing. As this program progressed, certain Mexican experts were also included in the training agenda. Most recently we had the pleasure of receiving lectures from Mexican forensic medical doctors and lawyers on Mexican law, and judges who teach the Mexican judicial system, as well as candid discussions on their view of Mexican police testimony.

Each FBI field division along the Southwest border provides an FBI agent counselor who accompanies the group to Tucson. They are generally FBI agents who have investigative responsibility along the border and who have liaison with Mexican police officers. The training is conducted by special agents who are qualified police instructors and who are bilingual. Lectures are also offered by Arizona Department of Public Safety Mexican liaison officers. The training is conducted at the Arizona Law Enforcement Training Academy, which is an outstanding facility whose staff has exhibited gracious hospitality to our Mexican friends. This training initiative has now won wide acclaim throughout the Northern Mexican States, since a much higher level of comraderie between Mexican police and FBI agents has developed. Nearly all of the Mexican police officer graduates have advanced to higher positions within their organizations.

Our investigative approach, as embodied in our national drug strategy, adopted in 1986, targets drug organizations. We seek to dismantle those organizations, arrest their leadership structure and seize and forfeit their illicit profits. You have the assurance of the FBI Director that the FBI will continue its aggressive effort in combating drugs in the Southwest border region as well as participating in the spirit of cooperation with other agencies at all levels.

I can speak for director sessions when I tell you how much we appreciate the intense efforts of this subcommittee in attempting to assist in the fight against illicit drug trafficking.

This concludes my statement.

STATEMENT OF MICHAEL HUCKABY

Senator DECONCINI. Mr. Huckaby.

Mr. HUCKABY. I will expedite my statement.

Senator DECONCINI. Take your time.

Mr. HUCKABY. Mr. Chairman, I welcome the opportunity to appear before you to discuss the role of ATF in combating violent crime, the illegal firearms trade, and armed drug trafficking along the border.

It's obvious that our problems are drugs, guns, money, and the crimes related to all of the above, along this 2,000-mile border. In the past few years, there have been a large number of firearms smuggled into Mexico. The AK-47 assault rifle here sells for about $500 in the United States, and it's not uncommon for it to bring $1,500 in Mexico.

A few years ago, the typical weapon of choice was a small handgun which could be purchased for $30 to $35 in the United States and sold for $100 to $150 in Mexico. We're finding that the drug trafficker, just like a truckdriver, learns not to make a "dead head" run. He brings drugs into the United States and takes proceeds of those sales, buys firearms, and takes them back into Mexico, making profits on both sides. They're good businessmen, and they're taking a lot of firearms outside United States.

ATF is trying to do the best we can with this, and we have found Operation Alliance has helped us greatly in continuing with our initiatives. We have been working a great deal with the Customs Service, the Drug Enforcement Administration, and State and local agencies to do whatever we can to combat this smuggling problem.

Operation Alliance has really led the way with coordinated asset sharing, mobile corridor operations, border smuggling groups, updated compatible radio communications, training modules, videotapes, plans and policies. Specifically, ATF has used some very valuable tools that were given to us by Congress in the form of mandatory sentences for violations of the Federal firearms laws. These laws, enacted within the last few years, are without a doubt the big guns in the war against crime along the border.

Although we are making solid progress, it's not as fast as we'd like. For example, since the beginning of Operation Alliance, we have opened investigations on 538 international firearms traffickers and 677 armed drug traffickers. In that same time period, we have referred 788 cases and 1,168 defendants for prosecution. In addition, we have seized 1,226 handguns, 1,020 rifles, over 100 machineguns, and an assorted number of other guns and explosive devices. Rather than go through a number of individual cases, I will continue by saying that it's difficult to discuss Operation Alliance without taking note of the valuable role that this committee plays not only in support of Operation Alliance, but in support of law enforcement throughout the country. You've made sure, we've had additional resources in our continuing struggle. I think you should know we're grateful for that, even if it's not often stated.

Senator DECONCINI. Thank you, Mr. Huckaby.

PREPARED STATEMENT

Mr. HUCKABY. I want to thank you once again for letting me be here today. The efforts of this subcommittee and the interest that you show in our law enforcement operations is appreciated throughout the ranks.

[The statement follows:]

STATEMENT OF MICHAEL HUCKABY

Mr. Chairman, members of the subcommittee: I welcome the opportunity to appear before you to discuss the role of the Bureau of Alcohol, Tobacco and Firearms (ATF) in combating violent crime, the illegal firearms trade, and armed drug trafficking along the Southwest border.

First, I would like to describe the problem. Drugs, guns, money, and crime are inextricably connected along this 2,000-mile land border. In Mexico, firearms are approximately three times more expensive than in the United States. An assault-type rifle which costs $500 in the United States can easily be sold in Mexico for $1,500 or more. This has changed dramatically from a few years ago when cheap handguns were the firearms most frequently smuggled to Mexico. These types of handguns, which then sold in the United States for about $30, commanded a Mexican price of $100 to $150. Things are different now; today the weapon of choice is the high-powered semiautomatic rifle. In addition, guns have become a status symbol—items to be publicly displayed—like Gucci loafers or a BMW automobile.

To underestimate a smuggler or trafficker is a mistake. In truth, they have become better businessmen. Instead of delivering narcotics North and returning only with payment, couriers now return with firearms, thereby increasing profits. Truckers call returning home with an empty truck a "dead head" run. The criminals learn fast not to "dead head" back. Of course, this traffic works both ways with arms traffickers now wishing to pick up narcotics for the trip back.

The other most obvious reason for the firearms problem is protection and violence. The drug dealers and criminals need weapons to exist in an underworld where only the strong survive. There is no "Better Business Bureau" for drug dealers. Bad accounts result in bloodshed, competition means a shootout, the threat of arrest dictates a means to escape. Firearms then become tools of the trade, used to enforce discipline in the ranks and to terrorize and intimidate whenever and wherever they please.

The last factor is drug profits. The profits are so enormous that narcotics traffickers can buy the most and the best of whatever merchandise they desire. They choose guns like they choose jewelry and cars: flashy, expensive and in large quantities.

I hope that the picture has become a little clearer now. Let me summarize some of the reasons for the problem. The price guns bring in Mexico, the use of guns as status symbols, the business savvy of bringing guns back in connection with narcotics deals, the protection of money and narcotics; and the violence associated with the underworld. The last factor I mentioned was wealth from drug profits, which allows the purchase of large quantities of firearms. These are the problems; now what are the solutions? Initiatives such as Operation Alliance play a large part. Let me describe our role in this initiative.

ATF, in cooperation with other Federal, State, local and foreign law enforcement agencies, has aggressively joined with others to confront and defeat the international security threat of illegal narcotics and firearms trafficking across the Southwest border of the United States. ATF's objective in this operation is to target, investigate, and recommend the prosecution of international firearms and narcotics traffickers. ATF also targets for prosecution those individuals who aid or abet the firearms or narcotics trafficking operations.

Operation Alliance has allowed ATF to function better because of its unified command structure. History is my example. In the way that all allied forces in Europe were brought together under the Supreme Allied Command during World War II, Operation Alliance has brought the various law enforcement armies together against a common enemy.

Operation Alliance has led the way with coordinated asset sharing, mobile corridor operations, border smuggling groups, updated compatible communication equipment, video-tape training modules and other procedures, policies, and plans. Specifically, ATF has used some very valuable tools, given to us by Congress in the form of mandatory sentences for violations of the Federal firearms laws. These laws, en-

acted within the last few years, are without a doubt "the big guns" against crime along the border.

Although we are making solid progress, it is never as fast as we would like. For example, since the beginning of Operation Alliance, we have opened investigations on 538 international firearms traffickers, and 677 armed drug traffickers. In that same time period, we have referred 788 cases and 1,168 defendants for prosecution. In addition, we have seized 1,226 handguns, 1,020 rifles, over 100 machineguns, plus an assorted number of other guns and explosive devices.

The best way for me to illustrate our operations within the framework of Operation Alliance is to summarize some specific cases. The war is made up of many battles and skirmishes:

ATF Tucson reports that, on February 22, 1989, an illegal alien and his accomplice were arrested by ATF after being found in possession of two pistols and admitting they had used a "straw purchaser" to obtain a number of firearms from a local Federal firearms licensee. The subject also admitted to sending a majority of these firearms to Mexico.

On March 13, 1988, ATF received a request to respond from the U.S. Border Patrol, Falfurrias, Texas, regarding the apprehension of a defendant who had been found in possession of numerous prohibited firearms. ATF special agents responded to the scene and determined that the defendant had been found in possession of 19 firearms, 8 of which were classified as machineguns. Serial numbers on all 19 firearms had been altered by attempted modification of the number 8 and the number I as they appeared in each serial number. Initial investigation indicated that all 19 firearms are a part of an alleged theft as reported by a class III firearms licensee in Houston, Texas. The defendant was attempting to return to San Antonio, Texas, at the time of his arrest.

On April 7, 1988, a defendant, who had pled guilty on March 16, 1988, appeared in U.S. district court in El Paso, Texas, and was sentenced to a 15-year mandatory minimum sentence for his Federal firearms violations. This case originated from an ATF multiple-sales project, which indicated that the subject had purchased two handguns from an El Paso firearms dealer on July 20, 1987. Additional investigation by ATF established that the subject had three prior felony convictions. The investigation showed that he had purchased 31 firearms from El Paso area firearms dealers in "straw purchase" transactions and had been paid $50 for each firearm purchased. An unidentified individual would then take delivery of the firearms from the subject and export the firearms to Mexico.

On March 19, 1989, 280 Federal, State, and local law enforcement officers participated in the arrest of 60 individuals and the execution of 20 search warrants during a roundup of Federal narcotics and firearms violators in the San Diego California, area. This action culminates a 1-year effort by ATF, DEA, and the California Bureau of Narcotics Enforcement. This endeavor entitled Operation Crankcase was designed to prosecute class I methamphetamine producers and distributors. As a result, 93 individuals were indicted, 38 of whom were ATF defendants. Eight of the subjects were members of an organization known for its suspected involvement in previously unsolved pipe bombings. In August 1988, a pipe bomb was discovered during an Operation Crankcase search warrant at a clandestine lab site abandoned by the head of this organization. This kingpin was arrested in October 1988 for his suspected role in a drug rip-off/kidnaping/homicide incident. In addition, 44 firearms, 2 pipe bombs, 6 pounds of methamphetamine, $13,000 in cash, and a shotgun were seized pursuant to the searches executed during the roundup.

Operations Crankcase was initiated in response to San Diego's reputation as "the methamphetamine capital of the United States." The investigation centered around the sale of glassware, equipment, and precursor chemicals at Triple Neck Scientific, a chemical supply house in San Diego well known for supplying methamphetamine lab operators. The owner/operator became a cooperating source and allowed an undercover agent to pose as a sales clerk. With the use of consensual electronic transmitters and extensive air/ground surveillance, agents were able to identify over 100 clandestine laboratories.

On December 6, 1988, a subject purchased nine AKS semiautomatic assault rifles from two federally licensed firearms dealers in Tucson, Arizona. The subject was subsequently interviewed by ATF and admitted that he had purchased the firearms for a Mexican resident who was planning to take the firearms to Mexico.

On December 21, 1988, while under surveillance by ATF and U.S. Customs, 3 subjects purchased 37 AKS assault rifles from the Shooting Gun Store in Tucson, Arizona. The subjects drove to a Tucson residence, where they unloaded the firearms. On that same date, a search warrant was executed, resulting in the arrest of the three

subjects and the seizure of 37 AKS rifles and approximately 355 pounds of marijuana.

On October 20, 1987, Federal search warrants were executed at 10 locations in the upper Rio Grande Valley of south Texas and in the Houston vicinity, culminating an investigation into the illegal activities of a major organization involved in the importation and distribution of marijuana, the smuggling of firearms out of the United States into Mexico, and the laundering of illegal proceeds from the operation. These warrants resulted in the arrests of 16 individuals, and the seizure of 81 firearms, several hundred rounds of ammunition, approximately $400 in cash, 29 vehicles, between 2,000 - 3,000 pounds of marijuana, a large quantity of expensive jewelry, and an undetermined amount of real estate throughout south Texas. Two of the subjects were arrested in Jacksonville, Florida, and one of the subjects arrested was a Texas police officer.

In addition to the arrests and seizures, approximately 1,000 pounds of marijuana was seized from two additional subjects after they telephoned one of the locations being searched. When they called, an ATF special agent answered the telephone, ascertained their reason for calling, and responded to an area shopping center parking lot, where the subjects attempted to deliver the 1,000 pounds of marijuana to him. These two subjects were arrested, and their vehicle was seized.

On March 13, 1989, ATF arrested a subject in Tucson, Arizona, during the acquisition of 36 AK-47 rifles from a local Federal Firearm Licensee (FFL). The subject falsely certified that he was a resident of Arizona when, in fact, he resides in Mexico. Following the arrest, the subject admitted that he lives in Mexico and was in the business of buying merchandise in the United States for resale in Mexico.

Moreover, he claimed that he purchased the 36 rifles for 2 unidentified men in the United States, for which he was paid $50-$100 per firearm. Immediately prior to this arrest, the subject gave a $6,000 deposit to a Tucson FFL for a $15,000 order of eight "Starlight" scopes for AR-15 rifles.

On April 1, 1988, ATF and the Multi-County Narcotics Task Force received information from an anonymous source that a quantity of firearms and marijuana was being stored at a residence in El Paso, Texas. A subsequent search resulted in the seizure of 14 AKS rifles and a quantity of ammunition, currency, and marijuana. Three subjects were taken into custody for misdemeanor marijuana possession charges. ATF soon discovered that one of the subjects was an alien illegally in the United States, and subsequently arrested her for being an illegal alien in possession of firearms.

It is difficult to discuss the progress made by Operation Alliance without taking note of the valuable role that this committee and especially the chairman have played not only in the support of the Operation Alliance program, but in support of law enforcement throughout the country. You ladies and gentlemen have seen the needs of law enforcement, have taken the measure of our adversary, and have made certain we have had additional resources in our continuing struggle. I think you should know, even if it is not often stated, that we are very grateful.

Mr. Chairman and distinguished members, I want to thank you once again for allowing me to appear today. The efforts of this subcommittee and the interest that you show in our law enforcement operations is appreciated throughout the ranks.

This concludes my remarks. I would be glad to answer any questions that you have.

Senator DECONCINI. Thank you Mr. Huckaby. Let me go directly to the problem that seems to come up at all these hearings, and that is, why don't we undertake more coordinated efforts with Mexico on confiscating weapons? I guess the fair question is, what are we doing, can we do more, and do the Mexicans cooperate fully with you?

Mr. HUCKABY. We do not have any personnel in Mexico. We've been working with the Drug Enforcement Administration and the U.S. Customs Service which does have personnel in Mexico on trace projects, we have been tracing those firearms, and as such, we have received quite a few leads.

Senator DECONCINI. You've not been assigned to deal with Mexican officials yourself on this type of coordinated effort?

Mr. HUCKABY. On a limited basis. The last project we started was headed by the FBI, and we had participated in those programs.

Senator DECONCINI. Could more be done?

Mr. HUCKABY. Yes, sir; I believe so.

Senator DECONCINI. Is the problem, and I'm not trying to find a problem child here, but is the problem that our Government doesn't offer help to Mexico, or is the problem that Mexico, in your opinion, doesn't ask us for more help? Where do you see the problem? Because it continuously arises; there are so many guns going in. You tell us how many imported guns are seized, but we get some good information that there are thousands and thousands of guns being exported into Mexico, and not a whole lot going on to get them.

Mr. HUCKABY. I think maybe one of the problems there might be the same problem that occurred here. With regions and different sectors, there are instances where information did not flow from one district to another in regards to activities going on in the United States. Alliance has gone a long way toward getting us together in a group effort. Possibly that is part of the problem; the division of States.

Senator DECONCINI. What cooperation do you get from the Mexicans, if at all? Will they give you serial numbers?

Mr. HUCKABY. Yes, sir.

Senator DECONCINI. And is that forthcoming when you ask for it or do they volunteer it? How is that put together? Is that done with FBI or DEA?

Mr. HUCKABY. We have an agreement with DEA in Mexico City. If it's reported through Mexico City DEA gives it to us.

Senator DECONCINI. I see. Let me ask you, Mr. Wood, is that a comfortable relationship? Do the Mexicans come forward with that kind of information?

Mr. WOOD. Well, generally we have to request it, but when we request it we do get that information.

Senator DECONCINI. They're not beating on your door saying, "Gosh, can you do more for us to stop these weapons?"

Mr. WOOD. No; I don't think that that's the case at all. It's more a relationship where we go to them knowing that there have been seizures and requesting information pertaining to the weapons.

Senator DECONCINI. Mr. Huckaby, where do these people get these truckloads of guns? Where do they buy them?

Mr. HUCKABY. The majority are buying from licensed firearms dealers.

Senator DECONCINI. Licensed firearms dealers?

Mr. HUCKABY. Using a "straw purchase;" they will pay individuals in the State of Arizona who are residents of the State of Arizona $50 to $100 a firearm to buy them.

Senator DECONCINI. These Arizona residents go in and buy them and sign the 44 form, is that correct?

Mr. HUCKABY. 44 form?

Senator DECONCINI. 4473 form.

Mr. HUCKABY. Maybe I could help you. We drew out some cases from Tucson, 24 investigations during fiscal years 1988 and 1989 directed toward AK's alone. We saw quite a few firearms based on these cases. Just by going back and checking the records to determine how many firearms these people had, we determined that

there were 647, AK–47's, 672 handguns, and 60 other types of rifles.

Senator DECONCINI. What period of time is that?

Mr. HUCKABY. Within these 2 years.

Senator DECONCINI. OK.

Mr. HUCKABY. That was only 24 investigations where we actually made cases.

Senator DECONCINI. So they're buying them legitimately and smuggling them into Mexico, is that what is happening?

Mr. HUCKABY. Yes, sir.

Senator DECONCINI. OK. Let me ask you a couple of questions about your agency's involvement with the gangs. This problem has arisen in Phoenix and now in Tucson. Can you give us any update on the significance of this, say in Tucson or Phoenix or both?

Mr. HUCKABY. The Crips and the Bloods are the major street gangs in the Los Angeles area; they have started branching out throughout the United States. There are definitely more gang members in the Phoenix area than there are in the Tucson area.

Senator DECONCINI. Do you have an estimate?

Mr. HUCKABY. Our best estimate, and this is through intelligence that we gathered along with DEA, FBI, and the Phoenix area law enforcement agencies, is that there are about 240 gang members in the Phoenix area.

Senator DECONCINI. These are some type of organized gangs; is that right?

Mr. HUCKABY. Yes, sir; both Crips and Bloods.

Senator DECONCINI. They are trying to control crack houses, primarily?

Mr. HUCKABY. Yes.

Senator DECONCINI. Do they also control the flow of drugs?

Mr. HUCKABY. Yes; in fact, I pulled some figures together for you this morning. Since the first of the year, there have been 18 drive-by shootings in the Phoenix area, 12 deaths, and 22 people injured. There have been three armed robberies and two other assaults.

Senator DECONCINI. How about in the Tucson area?

Mr. HUCKABY. Our agency has not had contact with Crips or Bloods there.

Senator DECONCINI. Are there any organized gangs coming from Mexico?

Mr. HUCKABY. Not that I'm aware of. It could be possible, however, where we're directing our resources we have not come across them.

Senator DECONCINI. Do you have particular resources or individuals here in Arizona that are assigned just to combating the gangs?

Mr. HUCKABY. Yes, sir.

Senator DECONCINI. How many do you have?

Mr. HUCKABY. I have two individuals in Phoenix who are participating in the task force there.

Senator DECONCINI. The task force has only been in existence for the last 4 or 5 months?

Mr. HUCKABY. Yes.

Senator DECONCINI. Now, is it your experience that these task forces have confiscated weapons similar to what we have here?

Mr. HUCKABY. Yes, sir.

Senator DECONCINI. Do you know what the most popular one is that they use?

Mr. HUCKABY. I really do not have an estimate for the Arizona area. We've only come up with three criminal cases in the 3 months that we've been in operation up there. One case involved an AK-47, the other two involved handguns.

Senator DECONCINI. Do you have any idea how many assault-type weapons have been confiscated in Arizona in the last year?

Mr. HUCKABY. No, sir; I don't have the statistics.

Senator DECONCINI. Or for any period—of time what I'm really looking for is, is it on the increase?

Mr. HUCKABY. Oh, yes, definitely. We classify by handgun, shotgun, or rifle. In fiscal year 1988 we took in 12,863 firearms, many of which fall into the assault weapon category. This was an increase of 4,288 firearms, or approximately 50 percent above fiscal year 1987 figures. So far in 1988 we've traced 3,977 firearms which could be classified as assault-type weapons. Of these weapons, 278 were involved in homicide investigations.

Senator DECONCINI. How many were related to drug cases? Do you know?

Mr. HUCKABY. Approximately 80 percent of our cases are narcotics related.

Senator DECONCINI. Eighty percent of your weapons confiscations are narcotics related?

Mr. HUCKABY. Throughout the United States.

Senator DECONCINI. And this area is no different?

Mr. HUCKABY. No, sir; probably a little higher here.

Senator DECONCINI. How easy is it to convert a semiautomatic weapon like the AK-47 to fully automatic?

Mr. HUCKABY. Most of the firearms that are easily converted are those that fire from the open bolt position, such as the old Mac 10 or the Mac 11. The newer design on these firearms is based upon requirements made by ATF to the manufacturers. If someone has the time, the tools, and the knowledge, he can convert basically anything.

Senator DECONCINI. Anything can be converted in a matter of minutes or hours.

Mr. HUCKABY. These would take a much longer period of time than anything that was——

Senator DECONCINI. Is it a day's work or an hour's work? I don't have any idea.

Mr. HUCKABY. I would say that a person could convert that firearm in a day, with the right knowledge.

Senator DECONCINI. What, in your estimate is the No. 1 illegal automatic weapon used in the United States?

Mr. HUCKABY. Without a doubt, right now it's the AK's.

Senator DECONCINI. I'm talking about illegal machineguns or automatic weapons that are used.

Mr. HUCKABY. In the machinegun category, we appear to be getting more of the TEC 9's and the Uzis rather than the AK's.

Senator DECONCINI. How many of the ones that are confiscated have been converted, are there very many?

Mr. HUCKABY. I have a statistic on this that I can give you very quickly. We don't carry these as just converted guns, but those that

we seize are considered machineguns. So far in 1989, our seizures include 56 machinegun conversions, 2,026 handguns, 47 other machineguns, 549 shotguns, 321 rifles, and 110 sawed-off rifles or shotguns.

Senator DECONCINI. That's what you have confiscated.

Mr. HUCKABY. Yes; so far in 1989.

Senator DECONCINI. Is that an increase?

Mr. HUCKABY. Yes, sir.

Senator DECONCINI. I guess you don't have last year's figures?

Mr. HUCKABY. Yes, sir, I do. Last year we seized 80 machinegun conversions.

Senator DECONCINI. Thank you, Mr. Huckaby, that's very helpful. We welcome working with your fine agency.

Mr. Hawkins, at the hearings 2 years ago, you testified that the drug problem was the No. 1 priority in the Phoenix Division and that drug investigation resources had doubled since 1985. Is the drug program still the No. 1 priority for the FBI in Arizona?

Mr. HAWKINS. Yes, sir.

Senator DECONCINI. How many agents do you have now in the State devoted to this mission?

Mr. HAWKINS. Twenty-five.

Senator DECONCINI. Is that an increase over last year?

Mr. HAWKINS. Well, not over last year. I think probably our staff has gone up a little; we're up to 115 agents right now.

Senator DECONCINI. For Arizona?

Mr. HAWKINS. For Arizona. I don't think that's much of an increase but certainly an increase over the year before or 2 years ago; we're practically double.

Senator DECONCINI. Do you have enough personnel to make this the No. 1 program and to fulfill your mission?

Mr. HAWKINS. No, sir.

Senator DECONCINI. What would be necessary, if you had your wish list; if you could walk into your Director's office, what would you ask for?

Mr. HAWKINS. I would estimate that to be about 15 additional agents.

Senator DECONCINI. Fifteen.

Mr. HAWKINS. At least.

Senator DECONCINI. Is there any hope that the agency will add additional agents here?

Mr. HAWKINS. I don't know that, sir, simply because I know that they are totally constrained by budgetary considerations.

Senator DECONCINI. What cities in the United States does the FBI believe are the top three distribution centers of illegal drugs in the country?

Mr. HAWKINS. I believe it's Los Angeles, Miami, and probably New York.

Senator DECONCINI. New York. Is there any difference, if you break that down, between cocaine, marijuana, or heroin?

Mr. HAWKINS. I think simply because of the size of New York that it would probably take the cake for heroin, and probably cocaine, in that order.

Senator DECONCINI. Where does Phoenix or the Arizona division fit into that comparison, is it a major area?

Mr. HAWKINS. Our particular problem is that Arizona is not only a user State, we're certainly a major transportation route into our surrounding neighboring States, the biggest user, of course, being California and probably the next biggest user being Colorado, and then over into New Mexico.

Senator DECONCINI. Have you developed any cases here in money laundering in Arizona related to drug dealings?

Mr. HAWKINS. Yes, sir; we are working a number of those right now.

Senator DECONCINI. Is that on the increase?

Mr. HAWKINS. Well, I think it's strictly commensurate. Yes; it would be on the increase commensurate with the drug trafficking. Of course we work very closely with DEA, and I think they probably could fill you in on a little bit where I'm going to be absent in that area.

Yes; our drug laundering investigations are massive. We just, in fact, had a case recently where an attempt to launder money was made by a prominent citizen of our community in Phoenix and we ended up with about $500,000 of those assets.

Senator DECONCINI. That wasn't the dentist, was it?

Mr. HAWKINS. Yes.

Senator DECONCINI. Are you finding more cases like that, of affluent citizens or business people that are involved in it? I realize you can't talk about pending cases.

Mr. HAWKINS. It's an investment. It's a business investment method of laundering that we're into.

Senator DECONCINI. Have you found any Arizona banks involved in that?

Mr. HAWKINS. No, sir; not that I'm aware of.

Senator DECONCINI. Mr. Wood, at the hearing 2 years ago, the statement of your predecessor, Terry Burks, indicated that Tucson was the base of operations for several organized cocaine trafficking groups and subgroups. The statement also said that Mexican traffickers control a major portion of cocaine traffic into Arizona. What's the opinion of DEA with regard to Arizona being a base for trafficking and distribution of illegal drugs, and how does it rank with other States, compared to say Florida and California?

Mr. WOOD. Well, you're talking in terms of distribution centers, for wholesale amounts of drugs, going directly into the community. I think you would have to talk in terms of Miami, Los Angeles, and New York for most drugs, Chicago for heroin. However, Arizona has become probably one of the major transshipment points of cocaine from South America through Mexico to those distribution points within the United States.

Senator DECONCINI. Does that happen in Tucson or Phoenix or all the States? How does it happen?

Mr. WOOD. I think it probably is happening throughout all the United States, but I would suspect that Tucson probably is more important to that transshipment business than any other single city.

Senator DECONCINI. And the major laundering cases, are they on the increase here in Arizona?

Mr. WOOD. We're seeing a great deal of money laundering in Arizona. We believe it's on the increase. It's difficult to tell because

until the last 2 to 3 years, that type of investigation was not receiving the emphasis it deserved.

Senator DECONCINI. You devoted more resources to that?

Mr. WOOD. Yes.

Senator DECONCINI. The Colombian cartel's involvement in Mexico; is that on the increase?

Mr. WOOD. We think it is. It would appear that the Colombians control the cocaine up to the border, and then most probably are controlling most of the Mexican organizations that bring it into the United States.

Senator DECONCINI. Does that include the recent murder and tortures along the border ? Can you comment on those cases?

Mr. WOOD. I have no specific information that that is the case.

Senator DECONCINI. Have you found cooperation in Mexico to be on the increase at all on our border here, or do you concur with the assessment by Operation Alliance and by Customs?

Mr. WOOD. Well, I think we're finding more cooperation from Mexico with the United States. I worked in Mexico for 2 years and I have a great familiarity with their system. Within the Mexican Federal Judicial Police, an individual comandante can't take unilateral action on just any kind of violation, he must seek approval and direction from Mexico City.

As a result, if you attempt to deal with a comandante on the border, you may get verbiage to suggest cooperation immediately, but in fact he will not cooperate until he gets direction from Mexico City. So we're not necessarily seeing direct cooperation along the border, but we are seeing an indication that this current administration is very serious about trying to control the drug problem.

Senator DECONCINI. Mr. Wood, along that line, were you here when Mr. McDermott and Sheriff Dupnik spoke about the case in Mexico?

Mr. WOOD. Yes, I was.

Senator DECONCINI. The truck loading, was the DEA involved in that?

Mr. WOOD. We were involved after the initial receipt of the information. I must add that that investigation took place in May 1988, over a year ago. There has been a change of administration in Mexico. But, yes, I was involved with some attempts to obtain cooperation between the comandante, Customs, and Mexico.

Senator DECONCINI. Do you have any examples of cooperation, along the Arizona border, where you have been able to work with the Mexican Government?

Mr. WOOD. Most recently the Mexican Attorney General's Office has sent members of his staff to Tucson to work with our people in trying to trace some of Jaime Figueroa Soto's assets to be seized in Mexico, and that happened, I believe, in the last 30 days.

Senator DECONCINI. Has anything developed along that line?

Mr. WOOD. There still is a very active exchange of information. Certainly that kind of investigation requires a great deal of effort. We'll know better by the time you hold your next hearings whether or not it was fruitful.

Senator DECONCINI. Mr. Woods, can you give me one single case that's been made as a result of Mexican cooperation?

Mr. WOOD. Yes; without being terribly specific as to individuals. Approximately 6 years ago we picked up information that an airplane with cocaine was going into Mexico and we provided that to our office in Monterrey, Mexico. They made connections with the Mexican Federal Judicial Police and went out and seized an airplane. I believe they seized 800 pounds of cocaine. While they were on the ground a second airplane circled over and asked for permission to land. It landed and they seized cocaine from that also.

Senator DECONCINI. Have you received any information from Mexican law enforcement officials that have resulted in arrests in this country?

Mr. WOOD. No, I have not. I might add there are other initiatives taking place right now, Senator. Approximately 1 month ago I was in Washington, DC, with the other DEA border SAC's to meet with our new SAC in Mexico City and with two Mexican officials from the Mexican Embassy. Part of the discussions concerned the problem with the comandantes taking unilateral action on their own. The officials from the Mexican Embassy suggested that they set up a meeting with the Attorney General's Office in Mexico City and our personnel along the border to discuss some type of mechanism to allow the comandante to respond in a more timely fashion. That has not yet taken place, but that occurred roughly 3 days ago.

Senator DECONCINI. You think that might come about based on your experience in MIA.

Mr. WOOD. I'm an optimist, I most certainly think it would.

Senator DECONCINI. Mr. Wood, Mexico has yet to prosecute anyone for the kidnapping and murder of agent Camarena. I ask this question every time DEA is before me, or the Justice Department is before me, or the State Department is before me: Is DEA aware of any movement on this case?

Mr. WOOD. Senator, I wish I could tell you I am. The truth of the matter is, I'm not aware of any movement, and certainly you can understand that that's a very sensitive subject with DEA and with me.

Senator DECONCINI. It's a very sensitive subject with me as well.

Mr. WOOD. And with you. We're not aware that there has been any movement in terms of prosecution, at least not at my level.

Senator DECONCINI. I commend President Salinas' administration for the arrest of Felix Gallardo, but I'm worried that it will turn into the same kind of situation that we had with Camarena and he'll be freed as in the previous position and maybe let go. What is the DEA attempting to do to monitor, in conjunction with Mexico, that something doesn't happen to Gallardo and that you know where he is? Do you know where he is at this moment?

Mr. WOOD. Yes, we do. We are, through very sensitive sources, monitoring that whole process.

Senator DECONCINI. Are you at all permitted—Mr. Wood, I'm not trying to put you in bad spot, but are you permitted to discuss the Camarena or Gallardo case with Mexican officials, or is that left to some higher level?

Mr. WOOD. Well, I presently am not involved in that process because I do know that people at my level are discussing that with the Mexican authorities. When Miguel Felix Gallardo was arrested, he was made available to two of our people, the Special Agent in

Charge in Mexico City and his assistant, who interviewed him at some length. So there are discussions being held at the appropriate level.

Senator DECONCINI. What about Camarena, what happens when you discuss Camarena with Mexican officials? Do they tell you why something doesn't happen? I know how sensitive it is with DEA. It just blows my mind that we can't get some resolution after 4 years of this case, and I'm asking you to share with me if you can what happens when you discuss it.

Mr. WOOD. I don't know, Senator. I have not participated in those discussions and I can only surmise what the answer is.

Senator DECONCINI. You must be frustrated.

Mr. WOOD. We've become terribly frustrated, but after serving 2 years in Mexico, I think I understand the system. I certainly don't accept it but I understand the system.

One aspect of the problem down there that is frequently overlooked is that there is a very strong feeling by the politicians of Mexico against being perceived as cooperating with the Americans, with the people from the United States. And I think if any government in Mexico went too far in terms of that cooperation, they would have some serious problems down there.

Senator DECONCINI. What people are you talking about, the opposition political parties or the business community?

Mr. WOOD. I don't find that with the business community in the people I talk to down there. Citizens say, at least off the record, and I don't know that they stand up and say it in a public forum, that they think it's pretty ridiculous that they don't do something about Camarena. You talk to the political opposition, they will tell you their party or the PRI party would have political problems with too much cooperation or too much involvement with the United States.

I don't think it's just the opposition political party, I think it's a concern on the part of the Mexicans, and I'm speaking primarily of the educated Mexicans who are involved in that kind of process. "I have appeared to be subservient to the Americans." Certainly they see the drug problem in their area as being something that needs to be cleaned up. It might very well lead to the overthrow of their government. They might end up with a situation similar to Colombia.

Senator DECONCINI. It seems to me that's the direction it's going in.

Mr. WOOD. I would agree with you 100 percent, and we have tried to point that out to them in hopes of eliciting cooperation. But the cooperation issue within the business community extends up to a point, and then there cannot be any perception on the part of the Mexican people that their government is either subservient or responding improperly to our demands.

Senator DECONCINI. That includes cooperating?

Mr. WOOD. Yes; to a certain degree.

Senator DECONCINI. If that's the case, we don't have much hope, do we? Because unless the Mexican Government decides to cooperate with the United States, to share intelligence, to do something about the corruption and drugs involved there, to do something about Camarena and do something about these cases that we bring

to their attention, then we're really not going to get anyplace, are we?

Mr. WOOD. I think you're right. Until the Government comes to those conclusions we will not get anyplace. Now, we're optimistic perhaps. We're the eternal optimists, but we're optimistic that we might be seeing an attempt to shift toward more cooperation.

Another initiative that I did not mention to you involved the Janus prosecutions. These are prosecutions of Mexican citizens arrested in Mexico for violations of drug laws committed in the United States. Within the last 2 weeks we had to provide information to DEA headquarters that will in turn be funneled to Mexico in an attempt to have them prosecute their people. Now, this information was provided as requested by the Mexicans. So if, in fact, that results in prosecution, then that is a very noticeable improvement in our relationship. But again, this is something that I can't respond to today. We must look at it and see if 6 months down the road there, in fact, has been a prosecution and conviction.

Senator DECONCINI. You're an optimist, Mr. Wood, and God bless you for all the work you and your agents do. I tell you, it's enough to discourage this Senator from seeing any improvements because the United States Senate did not have hope on certifying Mexico and your Director had as much influence as anybody in bringing that about. Because of some indications and one successful matter taking place, I'm very discouraged to think that this is cooperation, the little bit we've seen.

Let me ask you another question, Mr. Wood. I don't say this to be critical of you, I just say this out of absolute frustration with our own Government's relationship with and failure to confront the Mexicans whether they like it or they don't. It seems to me we're talking about American agents here that have been killed, and it's a disgrace that we just don't insist and don't take some tough action to get them to do something after 4 years. I'm not saying they even have to find him guilty, but they should at least process him through. It blows my mind that our law enforcement agencies, State Department and Attorney General would tolerate this. I just think it's unfair to law enforcement, unfair to DEA agents that put their lives on the line, unfair to other border agents and also to this country, not to mention the Camarena family. I don't say this to lecture you, I just say this to get it off my chest.

Let me ask you this, has the DEA increased the number of agents here in the Southwest border in the last 12 months?

Mr. WOOD. Not significantly.

Senator DECONCINI. How about in Arizona, has there been an increase here?

Mr. WOOD. Not significantly.

Senator DECONCINI. Are you at your full complement?

Mr. WOOD. Yes.

Senator DECONCINI. And what's that?

Mr. WOOD. I have 63 agents assigned in Arizona.

Senator DECONCINI. Is that an increase over the last couple of years?

Mr. WOOD. There was an increase about 2½ years ago, and then last year we picked up two additional positions.

Senator DECONCINI. Do you anticipate any additional ones in 1990?

Mr. WOOD. We have requested additional positions; but frankly I don't know if our request has been considered yet.

Senator DECONCINI. How many could you use, realistically, if you had what you needed?

Mr. WOOD. Senator, I think we could very easily double the staff of DEA in this division and still perhaps not have sufficient personnel. There's a great deal of drug cases to be made out here, and there are certain parts of the State where we're not even represented and where we can't be represented because of manpower constraints.

Senator DECONCINI. I do want to say this, Mr. Wood, the reaction that I get from local law enforcement is a tremendous improvement from what it was 4 years ago but certainly 7 or 8 years ago and 15 years ago when I was county attorney in Pima County, with the DEA. It's tremendous and I'm sure that there were many problems on all sides of law enforcement in those days, but it's a tremendous improvement. It's an improvement with the FBI, Mr. Hawkins, just a fantastic improvement.

I have to say that many, many years ago the ATF was the most cooperative Federal agency at the time. It used to be that no one wanted to deal with the local county attorney and sheriff, so obviously they thought there was something wrong with it. There was nothing wrong with us. It was just that we didn't have the realization of the benefits of working together.

I compliment you gentlemen for your leadership in bringing this tremendous improvement about, because I know it wouldn't happen if you weren't willing to be a part of it. It certainly makes our lives as representatives a lot easier when we don't start off hearings or start off discussions with the heads of your agencies on why they can't sit down with the local sheriff or even the local Federal agencies and share assets and share intelligence and work together. This cooperative effort seems to be happening successfully in Arizona, and I compliment you for that, I really do. It's something that I know is not easy.

I have no further questions.

I would like to thank you gentlemen very much for being with us and for coming down from Phoenix and from Los Angeles, and for waiting around this afternoon.

Mr. WOOD. Thank you very much.

CONCLUSION OF HEARING

Senator DECONCINI. This committee will stand in recess, subject to the call of the Chair. I wanted to thank Mr. Tim Carlsgaard and Ms. Patty Lynch of the Senate Appropriations Committee staff, as well as the Pima County Board of Supervisors for allowing us to use their facilities. Thank you.

[Whereupon, at 4:40 p.m., Wednesday, June 28, the subcommittee was recessed, to reconvene at the call of the Chair.]

MATERIAL SUBMITTED SUBSEQUENT TO CONCLUSION OF HEARING

[CLERK'S NOTE: The following statement was submitted by the witness subsequent to the hearing for inclusion in the record.]

STATEMENT OF STEPHEN MCNAMEE, U.S. ATTORNEY, DISTRICT OF ARIZONA

Mr. Chairman and members of the committee: I regret that I was unable to appear before you to discuss the role of the United States Attorney's Office in the District of Arizona in prosecuting drug cases within our border. However, I am submitting my testimony in this regard to assist you in your evaluation of drug smuggling activities along the Arizona border.

As you are well aware, the importation of narcotics from Mexico into the United States has been a long-standing problem in the District of Arizona due to our common boundary with Mexico. We take these violations seriously and have no threshold of limitations on the amount of narcotics being imported before authorizing prosecution. Thus, we are able to implement a zero tolerance policy at ports of entry to focus special attention on so called casual drug users and their significant role in the illicit drug market. However, the major role of our office is to pursue major narcotics traffickers and the special law enforcement interdiction efforts, such as operation alliance, that are prevalent along the border.

Operation Alliance was formally announced in August, 1986 and became fully operational in July, 1987. It was proposed initially as a drug interdiction effort, however, it has since expanded to its intended scope. Operation Alliance now stresses the need to conduct multi-agency investigations involving Federal, State and local agencies to immobilize drug trafficking enterprises.

To operate more efficiently, DEA and United States Customs now have cross-designated agents. Additionally, joint border groups comprised of DEA, United States Customs, Border Patrol and State and local agents have been formed to strengthen the drug enforcement efforts in a coordinated fashion.

Measured by the amount of contraband seized and the number of arrests, Operation Alliance has proven to be effective. In last year alone, 1,395 arrests were made. Furthermore, 75,924 pounds of marijuana, 5,277 pounds of cocaine, 7 pounds of heroin, and 561,470 dosage units of dangerous drugs, which included amphetamine, methamphetamine, PCP and LSD, were seized in Phoenix. Additionally, 59,912 marijuana plants were eradicated from 11 greenhouses located in Arizona. As of the third quarter in fiscal year 1989, DEA seizures in Arizona included 88,415 pounds of marijuana, 5,225 pounds of cocaine, 20 pounds of heroin, and 166 pounds, 1,547 dosage units, 7 gallons and 3,795 grams of dangerous drugs.

Narcotics prosecution is one of our major goals. The following figures are illustrative of our efforts to combat illicit drug smuggling. From 1987 to 1988, there was a 32 percent increase in narcotics cases in the district, and assets seized here from drug traffickers rose from $2.9 million in 1987 to $5.6 million in 1988.

Our criminal case load has increased approximately 58 percent in our Tucson office, which covers the majority of Arizona's international boundary with Mexico. Approximately 80 percent of the Tucson docket accounts for narcotics cases and the number of their narcotics prosecutions increased 42 percent in 1988. Our criminal case load is up in Phoenix as well, 964 cases for fiscal year 1988 which is an increase of 33 percent from 1987.

The OCDETF unit, which has attorneys in both our Phoenix and Tucson offices, continues to face increasing case loads. The cases are time consuming, labor intensive and deal with significant quantities of drugs. Six full-time attorneys currently handle OCDETF cases in our district. In addition, other members of our staff assigned to criminal divisions in our Tucson and Phoenix offices also prosecute complex narcotics cases. OCDETF cases generally involve numerous defendants with a well concealed trail of transactions and cover multi jurisdictions.

At this point I wish to address some of the OCDETF cases currently being prosecuted in the District of Arizona. These cases generally involve the seizure and forfeiture of substantial assets.

Jamie Bermudez-Botero headed what has been described as a transportation organization. Bermudez-Botero and members of his organization were handsomely paid for transporting cocaine from Colombia into Arizona. Bermudez-Botero pled guilty to being the kingpin of a continuing criminal enterprise and his cooperation led to additional indictments involving three commercial airline pilots. The organization was responsible for bringing over 1,200 pounds of cocaine into the United States. The three airline pilots pled guilty to conspiracy to import marijuana and their cooperation led us to further indictments of Thomas Gary Smith and Brian Zeiner, whose cases are pending at this time. Assets seized as a result of this investigation included a DC-6 aircraft with an estimated value of $800,000, a ranch and other property located in Florida, $1 million in cash, a Volvo and a Ferrarri.

Our office, with the assistance of the IRS, FBI, DEA and Border Patrol, is currently prosecuting a case against Dr. William Bartel, a Paradise Valley resident. Bartel pled guilty to conspiracy to distribute cocaine and possession with intent to distribute approximately 79 pounds of cocaine. He is facing ten years to life imprisonment. With Bartel's cooperation, charges were filed against Bartel's sister, Betty Lindstrom, and Gary Callahan, a Border Patrol agent and the alleged source of the cocaine. Charges regarding Lindstrom and Callahan are pending. The investigation has led to the forfeiture of numerous assets including Bartel's $250,000 residence, a Mercedes valued in excess of $22,000, and $140,000 in bank account proceeds.

Operation Padrino further illustrates the cooperative efforts of Federal, State and local agencies in and outside of the United States. The investigation of Operation Padrino has been ongoing since 1984. The scope of this investigation encompasses four foreign countries and 15 DEA offices. This world-wide organization utilizes numerous businesses in the United States and overseas to disguise its activities and has perpetrated numerous acts of violence on persons believed to be informants and DEA agents in Mexico. To date, assets seized in Arizona include almost 3,200 pounds of cocaine, numerous aircraft estimated at $150,000, 15 automobiles, trucks, recreational vehicles, boats and motorcycles valued at $300,000, and one five acre residence worth $100,000.

Our Tucson office recently prosecuted a case involving eight defendants and a total of almost 2,600 pounds of 90 percent pure cocaine. Hernandez Procheco and Manuel Quintero were utilizing recreational vehicles that contained false compartments in the nose of the vehicles to transport cocaine. Forfeiture proceedings were extremely effective in that an estimated $400,000 in assets were seized. The seizure included two ranches, a tractor trailer rig, and several recreational vehicles as a result of this apprehension. This case is illustrative of the cooperation among State and local agencies in that the Border Patrol, United States Customs, DEA, INS, and the Douglas Police Department all combined efforts to end this drug trafficking organization.

The use, availability, and distribution of crack cocaine has increased substantially in Phoenix during recent months and the Tucson area is seeing crack on a regular basis. Significant seizures of cocaine in southern Arizona continue to demonstrate that Arizona is cocaine infested.

The connection between drug use and crime is quite evident, thus, it is difficult to discuss one and not the other. A violent drug environment is created when different groups compete for control over the local drug market. Drug users, traffickers, and distributors are resorting to violence as a means of obtaining drugs and protecting territories. In addition, armed confrontations between officials and drug traffickers are on the upswing. The traffickers are well armed and aggressive as they strive to protect their narcotic shipments.

The Pima County Sheriff's Department reports that it has had in excess of 20 drug related homicides in the last two years (1987 and 1988). In 1987, Arizona medical facilities in Phoenix reported 4,256 drug-related emergency hospital admissions and 100 drug-related deaths in Phoenix. Of the total emergencies, 803 were cocaine-related, which is an approximate 66 percent increase from cocaine-related emergencies in 1985. Phoenix Police Department reported 111 homicides in 1988, with 13 homicides being directly related to drug trafficking. As of June, 1989, there have been 68 homicides, six of which were drug-related.

Tucson appears to be experiencing an epidemic of drug-related crimes. Tucson Police Department reported a total of 42 homicides for the period of July, 1988 through June, 1989. The Tucson Police Department chief feels that drug-related crime has never been so blatant and accelerated. Thirteen of the 42 homicides were drug-related executions, which he notes is a new trend in Tucson. A majority of the

suspects and victims appeared to have been tortured before their death. Although statistics were not available, drug-related kidnappings and assaults also appear to be increasing.

At least one drug-related automobile theft occurs daily in Tucson. Of the total vehicles stolen and not recovered, approximately 62 percent have been transported to Mexico. Further, it is believed that the automobiles are being used in some aspect of the illicit drug trade. The cars are either sold for money to buy narcotics, traded for narcotics, or used in the transportation of narcotic shipments. According to officials, this pattern has become extremely sophisticated and organized over the past one and one half years.

Along with this violence we have noticed that individuals have alleged they are being kidnapped and dealers are being held liable when shipments are lost to law enforcement agencies. It is not uncommon for drug trafficking organizations to rely on American news releases for their information.

California gang activity has been extending into Phoenix and Tucson and has become a main channel for transporting illicit drugs. Members of the Crips gang from Los Angeles are currently controlling the crack distribution in the Phoenix area. Approximately 30 pounds of cocaine are transported on a weekly basis from Los Angeles to Phoenix. Crips members in Phoenix are known to fly to cities such as Kansas City, Missouri, Tulsa, Chicago, Denver, Dallas, and Wichita to transport cocaine and assist in establishing crack distribution networks in those cities.

Narcotics officials and gang experts agree that Tucson is seeing the emergence of street gangs and a corresponding rise in drugs and violence. The gang members are being driven from Los Angeles and Phoenix by police crackdowns and by competition for profits from crack sales. Some of the gangs, especially the Crips and the Bloods who are prominent in Tucson, have transformed themselves into well organized networks.

Traditional organized crime, ethnic and family groups, motorcycle gangs, and street gangs all share in the profits of an ever-growing, lucrative drug trade. Historically, many family groups develop into significant enterprises. This usually happens quickly and becomes an endless outlet for the major international cartels. There has been an emergence of major transporting groups, commonly referred to as mules. These individuals travel long distances and are generally paid handsomely for the successful transportation of the load. Some organizations employ a variety of fast-paced and high tech delivery systems. This system maximizes safety from detection of the source of supplier. Thus, the mules generally know very little about the heads of the organization or the organizational structure. Furthermore, the mules rarely cooperate with the government because organization heads literally hold the power of life and death of their families over them. In addition to utilizing mules, we see an endless array of smuggling methods, such as the use of aircraft, recreational vehicles, commercial vehicles, back-packers, and pedestrians.

The Law Enforcement Coordinating Committee in Arizona has worked closely with the Arizona Criminal Justice Commission to develop a comprehensive statewide drug strategy plan authorized under the Anti-Drug Abuse Acts of 1986 and 1988. The plan promotes coordination and cooperation among all Federal, State and local law enforcement agencies to impact on the supply of drugs. Arizona has made a major commitment to attack drug use in a coordinated manner, and intends to impact the distribution networks that bring drugs into Arizona.

As a result of the success of the statewide drug strategy plan, 15 drug task forces have been funded and put into operation throughout Arizona. The plan also ensures the optimal delivery of educational, treatment and prevention programs that will help reduce the incidence of substance abuse by children, adolescents and families in Arizona. In addition, our office has vigorously worked with the United States Customs Service to stop the flow of guns into Mexico through the enforcement of laws pertaining to the exportation of firearms.

I would also like to comment on our efforts of cooperation with prosecuting authorities in the Republic of Mexico. We cooperate with other districts in an effort to bring the most significant charges to the most appropriate districts. Major smuggling efforts are part of a continuous trafficking pattern from one district to another. Since the inauguration of President Carlos Salinas, coordination and cooperation efforts have improved. We have seen the exchange of information between the bordering States in the drug enforcement arena. A good illustration of this is a recent case in Yuma being handled by our office and the United States Customs Service in which the defendant was a fugitive from the United States. We worked with our counterparts in the Republic of Mexico to have the case prosecuted in Mexico.

I recently had the opportunity to attend the border States attorney's general meeting, sponsored by Arizona Attorney General Bob Corbin. I met with counterparts of Mexico and their responses to Attorney General Dick Thornburgh's drug initiatives were overwhelmingly positive. I feel our efforts to communicate are further developing cooperation between our border States.

As long as drug organizations are able to operate south of the Arizona border, we will continue to have significant drug problems. The interests of the United States and Mexico coincide in the combatting of drug problems. Therefore, current diplomatic initiatives are important as both countries will benefit from the destruction of drug organizations south of the border.

Although there is reason to be optimistic that progress is being made in the war against drugs, efforts such as OCDETF and Operation Alliance must be considered a high priority until a drug-free America has been achieved.

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